MINING LAW

OF

THE BRITISH EMPIRE.

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BY

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PREFACE.

It is far from my intention to attempt the production of a treatise on mining law for the use and guidance of lawyers, which has been already well done by Mr Oswald Walmesley in his *Guide to the Mining Laws of the World*, a book from which I have gathered much valuable assistance in the compilation of the present volume. Still less would I undertake to make every mining man his own lawyer—he would indeed have a fool for a client; when legal questions of any importance arise in the conduct of mining affairs, it is time to put the matter in the hands of the Company's solicitor. But a *résumé* of the various systems and codes of mining law of the British possessions throughout the world, with some remarks on their characteristics, by a mining man of many years' experience, will doubtless be both interesting and instructive to those engaged in mining work, whether at home or abroad. To those who have the direction of the many large exploration companies now employed in seeking new channels for the employment of capital in mining work in new countries, I venture to hope that this little book may be especially useful, as indicating the conditions of tenure of mining property under the various laws. Some parts of it may also be helpful and suggestive to those into whose hands may be placed the task of framing the mining laws of new and unexplored lands, or of adapting older laws and usages to more modern requirements.

After reviewing the general principles of mining law and the widely divergent systems on which they are based, I propose to quote and discuss the various codes in practice in each of the principal mining countries of the British Empire, in as much detail as space and the information at my disposal will permit. The intricate and detailed provisions made in the legislation of some of the British self-governing colonies for the regulation of alluvial gold-mining, I shall but lightly touch upon, as of no great interest to European readers; whilst as much attention as possible will be given to the legislation bearing upon mining leases and properties of such importance as those in which mining joint-stock companies are more generally interested.

Criticisms and complaints, some just and some unjust, of the various mining laws are rife on every hand in all countries throughout the world, and will remain so until human nature has effected a radical change in itself: until all classes of the community—those who labour with their hands, those who labour with their brains, and also those who invest the necessary money capital in mining enterprise—can combine in understanding that each one section of this working community is as necessary as the other to the mutual well-being and general good: until that day dawns, the stupid antagonism of labour to capital, and the resulting arrogance of capital towards labour, will continue to clog the wheels of progress.

Much of the dissatisfaction so frequently expressed with regard to some of the modern codes of mining law, especially those of some of the British self-governing colonies, has, in my opinion, been caused by one of two fundamental mistakes—firstly, the hasty and ill-considered introduction of laws and regulations into a country for which they are not suited, copied from the usages of one of very different conditions; and, secondly, the retention of old laws and customs which may have been necessary in earlier times, but to which the changed conditions of a country progressing in order and civilisation no longer adapt themselves.

In the case of Great Britain, I have decided, for reasons given in the chapter on British mining law, to quote at some length the mining regulations for the control of metalliferous and coal mines; but in other cases I have confined my subject to mining law pure and simple, and more especially to that relating to the legal tenure of mining property in various parts of the Empire.

I have added a table of the London addresses of the agencies of the several self-governing colonies, and of other offices at which more detailed information regarding the conditions of mining industries can be obtained, in the hope that this may facilitate further research, when such may be necessary.

As the Acts and other legal matters are quotations, they are printed with all their defects of grammar and construction, which will account for the occasional difficulty that may occur in grasping their precise meaning.

For valuable assistance received in the compilation of this volume, I desire to record sincere thanks to my good friends, Messrs John Taylor & Sons, for help regarding the Indian mining laws; J. H. Collins, F.G.S., M.Inst.M.M., Great Britain; F. Danvers Power, F.G.S., M.Inst.M.M., New South Wales; A. T. Brown, M.Inst.M.M., Victoria; W. M'Lellan, M.Inst.M.M., New Zealand; E. P. Rathbone, M.Inst.M.M., Transvaal; Leonard Acutt, M.Inst.M.M., Natal; and, last but not least, to C. G. Warnford Lock, F.G.S., M.Inst.M.M., who has most kindly read and revised the text of the entire volume.

CHARLES J. ALFORD.

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MINING LAW.

CHAPTER I.

THE PRINCIPLES OF MINING LAW.

Mining Law and Mining Regulations.—For the purposes of this volume, the term *Mining Law* will be taken to mean those enactments or established usages which, in the various countries of the globe, regulate the acquisition and tenure of mining rights and mining ground, in contradistinction to *Mining Regulations*, which control the methods of working a mine.

Classification.—An analysis of the mining laws of the world shows a grouping, generally, of the principles of their construction under two great primary heads or classes: (1) That under which the State or a private owner of mining property has the right to grant concessions or leases of such mining property to individuals or corporations at discretion, or under certain general restrictions. This system, by which the right to grant lies with the owner, we will call the "Concession" system. (2) That system under which any individual, under certain specified restrictions, generally as to nationality and colour, has the right to locate on discovery or otherwise certain limited areas of ground, and under certain conditions to hold, work, or dispose of the same. This system, under which the right to claim mining ground lies with the discoverer, we will designate the "Claim" system.

The Concession system of mining law had its origin in ancient days in the rights of kings and feudatory lords to the mineral products of the ground and to the disposal of them, and it prevails at present under a more or less constitutionally modified form under all the ancient civilisations of the world. Public attention in regard to mining has of late years been so much centred on the newer countries, the United States of America,

British Columbia, South Africa, and Australia, where the claim system is in use, that some persons may be surprised to learn that five-sixths of all the mining areas of the world are worked under the concession system of titles. The great advantage of this system is that the State or other owner of the mining rights, having the power to grant or withhold the granting of these rights at discretion, can exercise a judicious selection of concessionaires, whereby concessions or leases are not granted to irresponsible persons or to those who have not the means to initiate and carry out a large and comprehensive scheme of work; also the rights of the State or other landlord would thus be adequately secured in regard to payment of rents and royalties, by the provision of an adequate working capital being made compulsory. In the case of concessions covering a large area of country, the control of the working miners and others by the executive of a rich and powerful company would also to a great extent relieve the government of the country of the expensive necessity of maintaining a very extensive police supervision and of the direct collection of fees for mining, rates and taxes, and other local payments. In addition to these manifest advantages of the concession system of mine-tenure, the constant augmentation of capitalisation of mining companies, by the sale of properties, recurring again and again, in passing from the ownership of the prospector, through the hands of agents and middle-men, to the working mine-company, is avoided. The ideas usually put forward as showing the disadvantages of the concession system are: (1) That it places unduly large powers of the control of property in the hands of a few men, and takes from the poor working man the chance of becoming a millionaire at a jump. (2) That by destroying competition in the sale of mines it places in the hands of exploring companies, or the holders of large concessions, the power of capitalising mining companies, and dealing with their finances as they please, and thus of making inordinate profits on the Stock Exchange. (3) That it conduces to the holding of mining ground unworked, by which means the production of the country and the employment of labour are restricted. In the opinion and experience of the author these criticisms are as invalid as they are futile. The first objection can be passed over at once as one of those phantasms of the democratic agitator, who would sacrifice all and everything in the vain attempt to secure to the labourer the right of control of property by controlling those who control it. The second depends entirely upon the terms under which the concession or lease is granted, and disappears at once beneath the strong hand of a government which reserves to itself the right

to veto the transfer of mining properties to subsidiary companies in cases where certain specified stipulations, regarding capitalisation, directorate, and executive management, are not complied with. The third objection to the concession system, regarding the conservation of mining ground unworked, is no doubt to some extent a valid one, but, in the opinion of the author, far less likely to occur under the holders of a large concession than in the case of small mines and poor holders who are always in straits for want of the necessary capital wherewith to carry on their work.

In the case of very large prospecting concessions, sometimes comprising thousands of square miles of unexplored and often difficult country, some parts of the ground must necessarily remain for a time waiting to take their turn of attention; but the exploration will be done in the end much more thoroughly and economically, and will produce mines in a far healthier state of finance, by putting the work under the care of a strongly capitalised corporation, than by allowing the country to be overrun by a host of independent prospectors,—always assuming that the prospecting company is assured of ample means wherewith to carry out its obligations, and that the directorate and executive are composed of men of known probity and competence. Naturally, no company will allow its capital, as represented by staff, machinery, and property in prospective mines, to stand idle and unproductive whilst it has the means and opportunity of proceeding with the work of development; and, the larger the capital involved, the more urgent will be the necessity of keeping it as fully as possible employed. It is the duty of the government to see that adequate means for the work are provided, or arranged for, at the time of granting the concession, and that these means are afterwards used strictly according to the true sense of its stipulations. Given these conditions, the concession system of large prospecting areas followed by mining leases of limited areas, of which the present mining law of Egypt is a modern example, appears to cover more practical advantages than any other system which can be adopted in opening up an unexplored mining country.

The Claim system of mining tenure had its origin in the early days of mining in the United States of America. In the first half of last century, great numbers of energetic men rushed to the newly discovered gold-fields of California, and a few years later to those of Australia, where, for the preservation of public peace in those then far-away regions, some arrangements had to be made on the spot to determine the area of ground on which a man was allowed to work, and the conditions under which he

could hold and deal with it. Hence arose the right of the discoverer of workable gold, or other valuable ores or minerals, to claim the ownership of a small plot of ground of limited area on which his discovery had been made, or on which he expected to make such discoveries, adjacent to those of other persons. These plots of ground became locally known as the men's "Claims," and the term has now passed into common and also legal parlance. A considerable area covered by these claims constituted a Gold-field. On the opening of a gold-field, the necessity arose for a controlling power close at hand, in days when the mining districts were isolated and the means of communication with the centres of civilisation and authority were irregular and slow, and made it necessary to place large discretionary powers in the hands of local authorities, and to allow them, under more or less of popular control, to administer, and even to make, laws according to local and temporary requirements. This gave rise to the office of Warden, or Mining Commissioner, and his local jurisdictional court, with its summary powers of confiscation, fines, and exemptions. This system, however necessary in the peculiar circumstances of its inception, should have been altered as soon as changing circumstances permitted, and a well-understood, invariable law, with no exemptions from its provisions, and administered not locally but from head-quarters, should have been substituted. Instead of this, in deference greatly to the prejudices of the working men, as the alluvial mining waned and gave place to vein-mining, the system was continued with some more or less important modifications, until upon it grew up the present system of mining law of the United States of America, from which those of Australia and of several other modern countries have been more or less copied.

The claim system, as far as it comprises the holding of small plots of mining ground by individuals, or small parties of working miners, is well adapted for alluvial or surface mining, where little capital is required for machinery, and manual labour is all in all; but it is not, at least in its crude stages, well adaptable to the development of mines on mineral veins or such analogous deposits where expensive plant and machinery become necessary. It is a system which, although it may appear at first sight to encourage individual enterprise, in reality leads to an enormous waste of both capital and unorganised energy; and organisation with co-operation are the watchwords of all modern work and progress. Analogous cases to those of which the author has had repeated experience will doubtless occur to the recollection of mining readers. How often, especially in the mining regions

of the British Colonies, is a prospective mine which would obviously require £50,000 for its adequate development taken in hand by a small party of working men who probably could not raise £500 amongst them for any purpose, with the inevitable result that no scientific system of mining can be carried out, or necessary machinery provided; consequently, after a few months of struggling work all the available ore in sight has been taken out and sold to meet current expenses, and work on the ground ceases, leaving what might, under better auspices, have become a profitable mine a mere wilderness of holes, in which nothing can be seen on which to base an encouraging report for the investment of capital for the continuation of operations. "Paying from the grass" too often means the stoppage of work not far below it. Another frequent case is that in which the prospector acquires a mining property without having the means, and frequently not even the intention, of doing any serious work upon it, and then, holding on to the ownership by some subterfuge, awaits the development of neighbouring claims to give his a prospective value, or the coming of some speculative individual acquiring mining properties for flotation, who will give him an absurd price for his claims in order to pass them on, at a still further largely augmented price, to a company whose capital, in order to meet these totally unnecessary demands, must be so large as to preclude the possibility of its ever becoming a financial success. Against abuses such as these, any well-drafted mining law should present insuperable barriers.

The mining prospector has been so frequently mentioned in these pages that a few words on the nature and work of this—under certain circumstances very beneficial, and under others very detrimental—person may not be out of place. The prospector, as such, is he who goes out searching for mineral deposits likely to become profitable when developed into mines, whilst the miner is the man who works in the mines and extracts the valuable mineral; both are of the same class, and their individuality and work overlap to a very considerable degree. Mining law has generally much to do with the prospector, as the initiator of mining work, whilst mining regulations principally concern the miner, for whose well-being and control they are mainly framed. There are several varieties of the prospector, each in some way characteristic of their country of adoption. There is the hardy, independent prospector—an intelligent, hard-working, but not usually a highly educated man, brought up from childhood to rough mining work, who frequently acquires a wonderful amount of local knowledge of rocks and minerals, for which he usually

invents a nomenclature of his own. Men of this class are usually to be found in cold climates, where they live a hardy, independent life, doing hard and useful work, and well deserving all they make by it. The beckoning hand of elusive fortune is ever before their eyes, and they work on in the constant expectation that the next blow of the pick will surely "strike it rich" and realise the lifelong hope of "making a pile"; but what they do make most of them quickly dissipate, and the end of a hard, adventurous life is not often either peace or affluence. In Alaska, British Columbia, and the northern parts of the United States these men abound, and some are to be met with in Southern Australia, Tasmania, and New Zealand. In South Africa, and in other countries where coloured natives are numerous, they are rare. It would probably be difficult to get this class of men to work for an exploration company, or indeed for anybody except themselves, certainly not for regular wages, unless they were in addition given a very considerable share in their discoveries. Impatience of control is one of their most eminent characteristics, and it would be extremely difficult, if not impossible, to get them to submit to it under any circumstances. Another class of prospector came into being with the gold-mining in South Africa—a more cultured class than that already described—many of them public-school failures from England, well-mannered, not particularly hardy, nor fond of hard work or hard living. These men came in large numbers to the Kimberley diamond diggings, and afterwards to Barberton and Johannesburg, usually well equipped with tent and outfit, and with sufficient means to employ a few Kaffirs as labourers and servants. They are, as a rule, absolutely ignorant of minerals and mining, but generally anxious to learn what can be picked up without much effort, spending hours daily in their tents poring over text-books, searching for the impossible "few simple rules whereby to find a payable reef." It is from this class that paid prospectors for the work of exploration companies could be drawn, and, under the direct management of mining engineers of ability and tact, of their own social class, such as are most of the Associates of the Royal School of Mines, whom they would readily recognise as superiors, they would be found useful. They are generally sober and clean in their lives, but more fond of sport and play than of hard work; and some of them, when they have picked up a few scraps of geological learning and the use of some sounding scientific phrases, are apt to blossom into "experts."

There is one other class of so-called prospector which, in justice to those just described, must not be left without brief notice.

That is the loafing vagrant, miscalled a prospector, frequently met with in tropical Australia and in other countries of similar conditions, living a life of squalor and debauchery—a disgrace alike to the name of prospector and of man. These rarely attempt to do any real work, but by blatant talking in public bars attract the notice and the coin of a certain class of those persons who, with no knowledge, and having other people's money to dispose of, are on the look-out for properties for flotation. Warm climates, where life is easy and coloured natives abound, are the favoured haunts of this species, to whom a stringent mining, and also criminal, law is specially applicable.

Mining Law Axioms.—Having now discussed generally the main principles and systems of mining law, we will proceed to examine the various codes in force in the principal mining countries of the world, and note how far and by what means each of them conduces to the maintenance of those *two fundamental axioms* which form the very basis of the whole matter: (1) The right of mine-holders to a perfectly secure and indefeasible title to their property so long as they fulfil certain specified conditions, the fulfilment or non-fulfilment of which is absolutely within their own control; (2) the right of the State, or other landlord, to certain rents, royalties, or taxes on the profits of the mines, and to the reasonably constant continuation of effective work on the mines, so that capital, represented by property and labour, shall not be unduly left unemployed. These principles of justice are fundamental to the law of all countries, but outside of these the particular needs and conditions—climatic, ethnological, and physical—of each individual country and community must control the details of its mining law. Where the white man cannot from any cause work efficiently and economically, the black or yellow man must take his place. Where the conditions of climate or contact with native races render the presence of the lower class of white men undesirable in independent positions, these should only be admitted under the control of those who can be held responsible for their personal conduct and well-being. In all cases, however, there are those broad underlying principles of justice which form the foundations of mining and all other law, which when transgressed resolve law into tyranny.

Relation of Labour and Capital. — *Mining Law* relates principally to the acquisition and tenure of mines, whilst *Mining Regulations* more especially concern the methods of working, the safety and well-being of the men, and the conduct of mining operations generally. Both alike exist for the collective good of the community, and, where wisely framed and administered

(which unfortunately is not always the case), protect the rights and interests of all classes alike. Those laws which, in ultra-democratic countries, are made unduly in the interests of the working man, and place upon capital too onerous burdens, are as detrimental to the true general interest of a community as any that may act in an opposite direction; unfortunately, as we shall see later on, the former error is far more frequent than the latter.

In these days of ever-increasing pressure of competition, resulting in the necessary employment of expensive labour-saving machinery, combination and the investment of large amounts of capital in mining, as in every other industry, are becoming ever more and more necessary, and the usefulness of the independent miner and prospector, with that of most independent manual workers, recedes into the background, more and more giving place to the capitalised corporation working on a large scale and under highly qualified and highly paid technical management. Yet there are many instances in the more modern laws of Anglo-Saxon countries in which this obvious fact is never recognised—the small digger's claim still holds its place, with the little pottering fees for prospectors' and miners' licences, and in some cases titles to mining rights are made subject to the digging of a few small holes, or, worse still, to the constant employment of some certain number of men on the ground, whether their work be necessary or not. A dawning glimpse of the true situation appears in some mining codes in regulations for the amalgamation of claims into blocks, and of these blocks into larger areas; but this is only an expensive and cumbersome method of passing on the ownership of a mine to a capitalised corporation, which end could be much more easily arrived at by granting the prospective or mining rights in the first instance direct to the corporation, without the initial intervention of the independent private prospector.

Law relating to Alluvial Gold Digging, etc.—Alluvial gold digging, requiring generally only appliances of the rudest type and of little expense, is naturally the field of the independent working miner, and its value in attracting a population to hitherto unpopulated countries is certainly very great; but to countries generally this appears to be its only value, as royalties or rents on alluvial claims are always difficult and often impossible to collect, and the riches obtained on gold-diggings are very soon dissipated. It is not necessary to pursue this subject further. As the remote corners of the earth are becoming more and more quickly opened up to the industrial enterprise of

Europeans and Americans, so the chances of the discovery of further important alluvial gold diggings, such as those of fifty years ago in California and in Australia, pass away, and with them the necessity of considering the laws which were framed for their regulation. We shall more usefully consider those codes of mining law which apply, in various countries, to the searching for and working of metalliferous minerals in veins or other analogous deposits. Coal and earthy minerals have in very few cases become the subject of ordinary mining law,—such cases as there are, within the author's knowledge, will be hereafter specially mentioned;—but these minerals form the subject of copious mining regulations in Great Britain and in other countries.

CHAPTER II.

GREAT BRITAIN.

First Inception of Mining Law.—Mining appears to have been carried on in the British Islands from time immemorial. In Cornwall, tin is known to have been worked in order to supply the trade of the Phœnicians in that metal with the countries of the Mediterranean. In Derbyshire, the ores of lead, zinc, and copper were mined and smelted under the Romans, and probably by the aboriginal natives long before Roman times. The working of the coal and iron deposits of the Forest of Dean in Gloucestershire probably also dates from the same period. In very ancient times, and also as late as the days of Queen Elizabeth, gold and silver appear to have been obtained in considerable quantities in Wales and in Ireland.

Free Miners.—In very ancient times the minerals of the country were worked by slaves or serfs for the benefit of the kings and chieftains who were the sole lords of the soil. Probably at first the work of the mines was done by the forced labour of prisoners of war, convicts, and other slaves, who earned from their work little more than the right to live as long as they could under the most wretched circumstances. As the intelligence of the over-lords increased, or the supply of slave-labour fell short of the requirements of the work, the lords would begin to recognise that better results might be obtained from the work of individual men by encouraging them to increased exertions by holding out to them the prospect of reward in the shape of freedom and some share in the results of their labours. Thus in very ancient days arose the class of workers known as "free miners," whose qualifications for their rights appear to have been that they should be permanently resident within the jurisdiction of the over-lord, and that they should have proved their competence for the work of miners by having worked for a certain time in the mines of the neighbourhood to the satisfaction of their masters.

We have in these primitive conditions the first inception of a mining law, the acknowledgment of certain rights and responsibilities on the part both of lord and miner—the owner and the worker—capital and labour.

Free Miners' Rights.—The qualifications for a free miner's right in the Forest of Dean were that the applicant must be a male person of not less than twenty-one years of age, must be resident and have resided for a year and a day in the Hundred of St Briavels, and must have worked for that period in the mines or quarries of the Hundred. The conditions in other parts of the country were much of the same nature. These free miners' rights continued in force in some districts up to quite recent times, and were made the subject of an inquiry by a parliamentary commission in 1831, in which year an Act was passed for their settlement and regulation. In the Forest of Dean they were mostly applicable to coal and iron mining. The free miners' licences gave them the right to search for, work, and sell for their own benefit the minerals comprised in their leases; also all surface rights necessary to the mining, on compensating the surface landlord or occupier for damage done or ground occupied by the mining work. The rights of the over-lord were in early times satisfied by his placing a certain proportion of his own men on the work with the free miners, these taking out for him his share of the profits of the mine. Subsequently this right was commuted into the payment of "dues" to the lord, which were represented by a specified proportion—varying from one-tenth to one-half—of the produce of the mine; and this in later days was superseded by a cash payment of a certain proportion of the gross value of the mineral extracted. This system prevails to some extent to the present day, but in many cases it has given place to the much more equitable and convenient arrangement of a tax on the distributable profits of the mining company.

From these humble beginnings grew up, in the course of ages, the present British legal procedure, which cannot rightly be called a mining law. It is now, as it was in bygone times, a private contract between the owner of mineral rights and the miner, be that an individual or a limited liability company, unfettered by any statutory legislation other than that imposed by the ordinary civil law of the land.

Ancient Rights and Customs.—The mining of the precious metals, gold and silver, was always and is still technically reserved exclusively to the right of the Crown, ostensibly to furnish the

national purse and coinage; but in the case of all other metals and minerals in Great Britain the mining rights are in the first instance vested in the ground landlord, though in numberless cases the surface and subterranean ownerships have now been separated. In different parts of the country somewhat different conditions prevail, but these in no case fundamentally alter the general rule. These special customs of certain mining districts in England have much in common with the legislative systems in use in some foreign countries. How far this similarity results from the effect of English customs on foreign law cannot be discussed here; but it may be noticed that the rights of the Derbyshire finder of lead ore, under the supervision of his barmaster, have much in common with the ancient German "common mining right," as also has the modern system of local wardens and wardens' courts of the British Colonies, and these are also in many features very nearly allied to the system of Stannaries courts established in very ancient times to control the tin-mining of the counties of Cornwall and Devon. An exhaustive description of the rights, jurisdiction, and functions of these ancient courts is given by Mr Oswald Walmesley in his *Guide to the Mining Laws of the World.*

Prospecting Rights.—In the British system, evolved from this complicated medley of ancient customs and procedure, we have, together with some reminiscences of the claim system, the concession system of mining law in its most simplified form, although, in the United Kingdom, there is no codified mining law, and but little statutory legislation on the subject. Such as there is, as we shall note later on, relates mostly to the working and inspection of mines, and partakes more of the nature of mining regulations than of mining law. Legal decisions are usually based on those of the courts in bygone cases.

The right of search for minerals cannot in this country be exercised, except in a few rare instances, without the direct consent of the surface landlord or the legal owner of the mining rights. If the ownership of the minerals is not vested in the same person as the ownership of the surface ground, then provision is usually made for compensation to the latter for ground occupied by the mining works or damaged in the course of mining operations. The following is a common form of "take-note," pronounced *tacknote*, or prospecting licence which has been largely used in Cornwall, and also in other parts of England. It will serve for a typical example of the usage of this country:—

ENGLISH PROSPECTING LICENCE.

MEMORANDUM of AGREEMENT entered into this day of One thousand BETWEEN the in the county of of the one part and of the other part. The said doth hereby for himself his heirs executors and administrators agree with the said their executors administrators and assigns that they the said their executors administrators and assigns shall have the full and free liberty power and authority for themselves their agents and workmen at any and at all times during the term of from the date thereof without any let suit or molestation from the said his heirs or assigns to sink drive or make and use any shafts adits levels or workings for exploring searching for opening and effectually working the mines veins or beds of lead lead ore calamine black jack and all other metallic minerals whatsoever in or upon the several closes or pieces or parcels of land of him the said forming part of Farm situated in the parish of in the said county of and containing in the whole acres roods and perches more or less and now in the occupation of and which said closes pieces or parcels of land are as to their extent form and boundaries more particularly delineated and described in the map or plan thereof drawn on these presents and coloured red

AND Also to erect build or set up any engine or engines mills or other buildings and to do all acts necessary or proper for raising washing dressing making merchantable carrying away and disposing of the metals and metallic minerals thereby obtained

AND Also to take down all such machinery from off the said land or premises as their sole property but to do as little damage as possible to the buildings wherein such machinery shall or may be erected and fixed

And the said do hereby agree for themselves their executors administrators and assigns that they will commence such trial or search within one month from the date hereof and continue to work with able-bodied miners at the least and without intermission except when prevented by inevitable accident or during the execution of repairs

And will without delay dress and make merchantable all metals and metallic ores gotten and within reasonable periods sell the same by public ticketings or other manner of open or public sale for the best price that can be reasonably obtained for the same

And will give to the agent for the time being of the said three clear days' notice in writing before each weighing of the said ores or minerals and in case any ores or minerals shall be left unweighed for a longer period than three months such ores or minerals shall be considered the sole property of the said his heirs or assigns

And will at all times give a correct account of the state of the mines or works of trial to the said his executors administrators and assigns or his or their agents when required

And will render and pay by way of rent to the said his heirs executors administrators and assigns a sum equal to one part of the monies for which the metals and metallic ores and minerals obtained under this Agreement after the same shall have been dressed and made merchantable shall be sold clear of all deductions whatsoever

And will allow and pay for all trespass that may be done in getting dressing or carrying away the said metals ores or minerals such trespass to be valued by two indifferent persons each party choosing one

And it is further agreed that the said his heirs and assigns shall be at liberty from time to time to examine and take plans of all workings under this Agreement

And it is further agreed that if the said their executors administrators and assigns shall at any time during the aforesaid term apply for a lease of the said ores metals or minerals such lease shall be granted for the term of twenty-one years from the date of such application

And if the said works should be discontinued and not renewed in one month after notice given for that purpose by the said his executors administrators or assigns this Agreement and the said intended lease shall from thenceforth be void and of no effect.

This English *take-note* carries with it far larger powers of working and disposal of minerals than do the modern prospectors' licences of the British Colonies and other countries, and is in itself a kind of mining lease under which real mining and commercial operations can be carried on; the only great difference from a lease appears to be that the lease is for a much-extended period of time, and that it is more elaborately drafted. In any case, the take-note secures to the grantee the right to a mining lease whenever it becomes desirable to obtain one.

The Mining Leases of Great Britain are frequently very wonderful and elaborate documents, engrossed on immense sheets of parchment, and often encumbered with complicated clauses not only inapplicable to the usages of mining, but also most pernicious to the interests of both parties. In many cases the leases are drawn by the solicitors of the lord without any reference to the grantee or to any person acting for him, with the result that the greater part of the lease remains for ever a dead letter, and the work is carried on under it in the thoroughly English give-and-take fashion, by personal, and very frequently only verbal, agreement between the lord and his agent and the mining company's manager. This peculiar system appears to work well enough here in England between Englishmen, and matters are not so bad as they would appear to be from a perusal of the mining lease. The lord usually retains the full right of inspection of all parts of the property, also of accounts and

mine-plans, at all reasonable times. Land on which débris is to be dumped must be such as he approves of, and for these high purchase prices are frequently charged,—as much as £70 or £80 per acre in the case of agricultural lands, and occasionally almost as much for waste land. Should the tenant subsequently clear away the débris, he has frequently no claim for the return of payments made for land taken for this purpose; and he has also to compensate farmers for all damage done to agricultural lands. Often certain portions of the leased area are barred as to surface workings. The tenant has to fence and secure all shafts and other openings, whether made by himself or not, and to keep all working shafts and other places in proper working order. He is usually bound to work the whole property in a miner-like way, and sometimes engages to keep a certain number of men employed in extending the workings of the mine underground and developing fresh ore-bodies. On ceasing to work the mine, he has to offer the machinery to the lord at a valuation before removing or selling it. Should the lord decline to purchase, as he usually does, there is usually a clause in the lease allowing the lessee a reasonable and sometimes a specified time for removal of machinery, as also for working up leavings and refuse. Sometimes there is a minimum rent payable, exclusive of dues or royalties; more often the rent merges into the dues, which are usually payable as a proportion of the gross sale receipts. These dues are very variable in amount—from $\frac{1}{10}$ to $\frac{1}{25}$ in the case of copper and arsenic ores, and from $\frac{1}{15}$ to $\frac{1}{30}$ for tin ores. Occasionally it is agreed that the dues shall vary with the variations of ore prices, but the equally important variations in the produce of the ores are rarely provided for in the lease. Some considerable remissions of dues are very frequently made by agreement to provide for sinking main shafts, driving long adits, and other important expensive works of a like nature. The payment of dues on ore extracted by unremunerative mines, though large remissions are often made, is a heavy tax on the resources of the shareholders, and is often felt as a great grievance. In the case of successful mines the dues in some cases amount to as much as one-third of the profits. It is customary, but not obligatory, to renew an expired lease without demanding anything in the nature of a "fine," but there have been several notable instances to the contrary. In a few modern cases, lords have agreed to take a percentage of profits—one-fourth to one-tenth—instead of dues. Occasionally there are separate rents charged for the use of watercourses. Sometimes, in the case of copper and tin ores, sales by public ticketings are provided for in

the lease, sales by private contract being expressly forbidden. All buildings, except those of the most temporary character, must be kept and left in good order and condition at the end of the lease by English common law, and all plans of both surface and underground workings must be accurately kept up to date, according to the Mines Regulation Statutes. In some cases the lord insists that he or his agents should be provided with correct copies of these plans at the lessee's expense.

The following is a transcript of a typical West-of-England Mining Lease of the more moderate form:—

ENGLISH MINING LEASE.

THIS INDENTURE made the day One thousand BETWEEN of in the county of (who together with and including his heirs and assigns are hereinafter designated "Grantors") of the one part and of the parish of in the county of (who together with and including their executors administrators and assigns and other the adventurers for the time being in the adventure intended and hereinafter to be carried on within the limits hereinafter described are hereinafter designated "Miners") of the other part WITNESSETH that in consideration of the rents payments or dues covenants and conditions hereinafter reserved and contained and on the part of the said miners to be observed and performed the said Doth by these presents give and grant unto the said their executors administrators and assigns full and free liberty licence power and authority to dig work mine and search for tin tin ore copper ore and all other ores metals and metallic minerals in under and throughout ALL that part and parcel of the tenement of situate and being in the parish of in the county of which is more particularly delineated and described in the map or plan endorsed on the last skin of these presents which plan is taken from the map made for the commutation of tithes of the said parish of and bears the numbers mentioned on the said last-mentioned map and the apportionment of the tithe rent-charge in the said parish all which said lands are hereinafter referred to by and under the denomination of "Limits"

AND the tin copper and all other ores metals and metallic minerals there found to raise and bring to grass stamp dress make merchantable and fit for sale and (subject to the reservations covenants and conditions hereinafter contained) to carry away and dispose of the same to his or their own use and to dig and make any adits drifts shafts pits leats or other conveniences and to erect any houses sheds engines or other machines or buildings for working the said limits doing as little damage as may be necessary in the exercise of the liberty and powers hereby granted

EXCEPTING and reserving nevertheless unto the said "Grantors"

his or their grantees and his or their respective workmen and servants full power at any time or times during the said term to enter into the said limits for the purpose of working and to work and mine without interruption upon such part of the said limits or any lode or vein or tin ore copper ore or any other ore metal or mineral for the time being therein and which shall have been left unworked for the space of six calendar months next after notice to work the same shall have been given by the grantors by writing under his or their hand or hands or under the hand of his or their agent for the time being to the said miners or any or either of them or the purser manager or principal captain for the time being of the mine intended to be carried on within the said limits or left for them or him at their or his usual or then last known places or place of abode in England or at the account-house or other public place on the said mine and for that purpose to use all adits shafts levels or winzes then being within the said limits

AND Also full and free power and authority to drive any new adits drifts or levels driven or hereafter to be driven within the said limits and to sink any shaft or shafts therein fit and proper for the driving of any such adits drifts or levels within or into through or from the said limits or any other lands or grounds of the said Grantors or (so far as he or they lawfully may) into the lands of any other person or persons at pleasure and to keep open repair and use the same adits or drifts and shafts and also to convey any water or watercourses into and over the said limits from any other land whatsoever in such manner as he or they shall respectively think proper for any purpose whatsoever reasonable compensation being made to the said miners for any obstruction or damage which may be occasioned by the use or exercise of any of the powers or authorities hereby reserved

AND Also liberty to go down into examine and measure all or any of the workings of the mine to be wrought or opened within the said limits in pursuance of the powers hereby granted and for that purpose to use all the conveniences then and there being

AND Also Excepting and reserving hereout unto the said Grantors all roads or ways on and over the said limits TO have hold use exercise and enjoy the said liberties licences powers and authorities hereby granted (except and subject as aforesaid) unto the said miners for the full term of twenty-one years from the date hereof they the said miners YIELDING and paying unto the said grantors the rents and sums of money following (that is to say) sums of money equal to one eighteenth part of all and every such sum and sums of money as the copper and copper ore to be raised and gotten within the said limits shall actually produce by the public sale or sales to be held in the usual manner for the time being of publicly selling copper and copper ore in the said county of

AND as the said tin tin ore and other ores metals and minerals shall actually produce and be sold for either by public or private sale without any deduction or abatement whatsoever (except the deduction of the reasonable cost and charges of carriage on such ores metals and minerals after the same shall be made merchantable and before the sale thereof)

But in case the said Grantors shall at any time or times during the term hereby granted desire to have the part or share of the ores metals

and metallic minerals which shall or may be raised or gotten as aforesaid in kind in lieu of the said hereinbefore mentioned rents and sums of money and of such his or their desire shall from time to time give notice in writing under his or their hand or hands or under the hand or hands of his or their stewards or agents or toller for the time being to the said miners by leaving the same with them or either of them or with the purser manager or principal captain for the time being or at the counting-house or some other public part of the mine or mines to be carried on within the said limits or by affixing the same on any conspicuous part of the said limits Then and in every such case from and after the expiration of two calendar months next after such notice shall be so given left or affixed as aforesaid and until two calendar months and after the same shall from time to time be revoked or countermanded by the said Grantors (which he or they shall have power to do by notice to be given left or affixed as aforesaid) YIELDING laying out and delivering unto and for the use of the said Grantors one sixteenth part share or dish of all ores metals and minerals which shall or may be raised within the said limits such ores metals and minerals having been first well and sufficiently spalled dried picked washed stamped and dressed or otherwise according to respective natures thereof made merchantable and fit to be smelted and fairly divided and laid out for the said Grantors in some convenient place within the said limits at the cost of the said miners

AND the said and do hereby for themselves their heirs executors and administrators jointly and each of them doth hereby for himself his heirs and administrators covenant promise and agree with and to the said his heirs and assigns in manner following (that is to say) that they the said miners shall and will at their own expense and with all reasonable expedition well and truly spall dress stamp and render merchantable and fit for sale all such ores metals and metallic minerals as shall be dug raised and gotten within the said limits during the said term so often and so long as the said hereinbefore mentioned rent and sums of money hereby reserved shall be payable in money at least once in every two months sell or cause to be sold the said copper and copper ore by public sale or sales in the usual manner in which copper or copper ore shall for the time being be sold in the said county of and for the best price or prices in money that can be reasonably obtained for the same

AND sell or cause to be sold tin or tin ore and other metals and metallic minerals either by public sale or private contract as the said miners shall think fit for the best price or prices in money that can be reasonably obtained for the same

AND Also during the said term give unto the said Grantors or to their known agents or agent full three days' notice in writing of the time of every of such sales or sale

AND Also from time to time during the said term whilst the said hereby reserved dish or dues shall be payable in kind to the said Grantors at least once in every two months make a fair division of the said ores metals and minerals as aforesaid the same having been rendered fit for sale as aforesaid

AND Also give unto the said Grantors or his or their agents steward

or toller for the time being full three clear days' notice in writing of every such division

AND Also during the said term hereby granted shall well and truly pay or cause to be paid unto the said Grantors the aforesaid rents and sums of money hereby reserved or rendered to him or them respectively the said part or share hereby reserved as dish or dues the said ores metals and minerals as the same shall for the time being be respectively payable or renderable according to the reservations hereinbefore contained in manner hereinbefore appointed for payment thereof without any deduction whatsoever

AND shall not nor will mix any of such ores metals and minerals with those raised within any other limits without leave in writing of the Grantors or his or their agent first obtained for that purpose nor sample nor sell the same with any other ores

AND shall and will well and truly pay and discharge all rates taxes charges impositions and outgoings parochial or otherwise (excepting the present or any future property or income tax) which shall or may at any time during the term hereby granted be taxed charged assessed or imposed on the said mines or the said ores metals or minerals or the said rents or sums of money hereby reserved or the said part or dish hereby reserved or upon the said Grantors for or in respect thereof

AND Also shall and will at all times during the said term hereby granted cause true and faithful accounts to be entered in a book or books to be kept for that purpose in the counting-house or some other convenient place within the said limits of all the ores metals and minerals raised and gotten within the said limits during the said term and the receipt and expenditure of the said mine and of all sales thereof respectively and the price or prices for which the same respectively shall be sold and shall and will at all times permit and suffer the said Grantors his or their steward agent or toller for the time being to inspect and examine the same accounts and to take extracts therefrom or to make copies thereof

AND Also that they the said miners shall and will at all times during the said term hereby granted unless prevented by inevitable accident effectually and regularly work and carry on the mines agreed to be undertaken and prosecuted within the limits aforesaid and the bottoms thereof and every lode and vein to be discovered therein at all usual working times and in the most proper and effectual manner with a sufficient number of labouring miners and at no time with less than four able-bodied miners according to the most approved practice of good miners

AND Also drive and keep forward the deep adit and all other adits and levels of or belonging to the said mine and continue the same in their proper directions and with a due preservation of levels so as to effectually work the ground hereinbefore described with as many able men as can conveniently be employed therein

AND Also shall and will within one year from the date of these presents erect and set at work on an eligible or proper part of the said limits ground and premises thereby granted a steam engine of the most approved construction of not less than inch cylinder to work the

ground hereby granted and effectually to try and explore the lodes and veins of ore within the said limits and for unwatering the deepest bottom of the mine or mines to be opened or wrought therein except whilst prevented by any inevitable impediment

AND Further that they the said miners shall and will at all times during the said term keep all the engine-house and other buildings which may be erected on the said limits in substantial repair (wooden sheds and linhays excepted) and also repair and keep open and support all adits shafts pits drifts leats and channels already or hereafter to be driven sunk or made within the limits aforesaid with proper and convenient timber fix stemples props and other contrivances and the same severally in such repair shall and will at the expiration or other sooner determination of the said term quietly and peaceably yield and deliver up together with such engines and machinery and other materials thereunto belonging as the said Grantors shall within one month after notice in writing from the said miners or their purser or agent of their intention to remove the same choose to take the said Grantors paying a reasonable price for such engines machinery and materials or such parts as he or they shall choose to take but so that the said Grantors shall not take any part of any engine without taking the whole thereof such price at the time of payment thereof (if necessary) to be ascertained by Arbitrators one to be chosen by the said Grantors and another by the said miners and in case of their disagreeing the same to be ascertained by such third person as the said two referees shall appoint as Umpire whose decision shall be final (provided always that the said miners shall not be obliged to repair any building which shall be necessarily destroyed or injured in taking down and removing such engines as the said Grantors shall not choose to purchase) and that the said miners shall not remove any engine within one month after they shall have given notice as aforesaid of their intention to remove the same

AND Also shall and will permit the said Grantors his or their agent steward or toller for the time being at any time or times during the term hereby granted to go down and inspect examine and measure all or any of the adits shafts or other works already or hereafter to be dug wrought driven sunk or made within the said limits and for that purpose to make use of the tackle and buckets ropes and kibbles or any other contrivances being within the same when and as often as he or they shall think fit

AND Also shall and will at all times during the said term keep and at the end thereof leave all shafts pits trenches or watercourses which shall be made dug and sunk within the said limits during the said term well and effectually fenced off so as to prevent cattle from falling therein

AND Also shall do as little damage or injury to the surface of the said limits as is possible in the exercise and enjoyment of the liberties and authorities hereby granted

AND Also shall not nor will break or otherwise meddle or interfere with the surface of any portion of the said limits within twenty yards of any buildings within or on the said limits

AND Also that they the said miners shall and will once every year if required at their own expense provide for the said Grantors and

deliver to him or them or his or their known agent a correct plan and section of the said mine and all lodes and veins therein and shall and will whenever called upon for that purpose furnish the said Grantors or his or their known agents with a perfect list of the names places of abode and additions shares and interest of every adventurer concerned in working the said mine

AND Also shall and will preserve and lay aside in heaps for the occupiers of the said limits all the peat earth and soil which shall be dug up in the prosecution of the said adventure and shall not within twelve months after lay any ores or rubbish thereon and shall not destroy or injure or otherwise interfere or meddle with any buildings now or hereafter to be erected on any part of the said limits by the said Grantors or his or their tenant or tenants

AND Also shall and will well and sufficiently repair every hedge gate stile and fence which may be injured and also make such compensation and satisfaction to the said Grantors his or their tenants for all injury or damage which may be done to the said limits or to the cattle or goods of such tenant or tenants by reason of the exercise of the powers liberties and authorities hereby granted during the term aforesaid as shall be fixed by two indifferent persons or their umpire to be chosen respectively as aforesaid

AND Also shall and will at the end or other sooner determination of the said term hereby granted make full and ample satisfaction to the said Grantors for all such permanent damage or injury as may have been done to all or any part of the lands and hereditaments within the said limits by reason of the exercise of the liberties and authorities hereby granted or any way relating thereto the amount of such satisfaction to be ascertained by two referees or an umpire respectively chosen as aforesaid unless the said rent or sums of money or the value of the said reserved part of the ores metals or minerals if rendered in kind to the said Grantors during the continuance of the said term under the provisions herein contained shall have exceeded the estimated extent of such last-mentioned permanent damage in which case no satisfaction shall be made for the same to the said Grantors

PROVIDED ALWAYS and it is hereby declared and agreed between and by the said parties hereto that if whilst the said hereby reserved rents shall be payable in money the said rents or sums of money or any part thereof shall at any time or times be behind or unpaid by the space of ten days or more next after any of the several days or times hereinbefore appointed for the payment thereof as aforesaid or if whilst the said hereby reserved part or share shall not be duly divided laid out and rendered in kind at the time and in the manner hereinbefore appointed for that purpose THEN and in either of these cases and as often as the same respectively shall happen it shall and may be lawful to and for the said Grantors to enter upon the lands within the said limits and any work or works to be wrought and carried on therein or in any part or parts thereof and to distrain all or any of the engines tools tackle implements materials ores or any other chattels or effects of the said miners then and there being and to dispose of the distress or distresses then and there found as a distress for rent in arrears to the

intent that thereby or otherwise the said rents hereby reserved and payable in money and then in arrear and then unpaid or as the case may be the value of the part or share hereby reserved in kind of the ores metals and minerals which shall not be so divided laid out upon the grass and rendered at the times and in the manner aforesaid such value to be ascertained by the price or prices at which the same shall have been sold (if sold) or disposed of but if not sold or disposed of then to be estimated according to the fair market value thereof, and all costs and expenses occasioned by the non-payment of the said rents or sums of money or not rendering of the said share as aforesaid and every of them shall be fully paid and satisfied PROVIDED ALSO and it is hereby further declared by and between the said parties hereto that if the said rents hereby reserved and payable in money or any part thereof or if all or any part of the said part or share of the said ores metals and minerals to be rendered in kind as aforesaid shall not be well and truly divided laid out upon the grass and rendered in manner and within ten days next after the several times therein before mentioned according to the true intent and meaning of these presents (ten days after notice in writing having been first given for that purpose) Or if the said miners shall break or not perform all or any or either of the covenants and agreements hereinbefore contained on their parts to be performed observed and kept THEN and in either of these cases it shall and may be lawful to and for the said Grantors (but without prejudice to any right of action or other remedy which may have previously accrued in respect of the breach of any or either of the covenants and agreements herein contained) into and upon the said limits or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as if these presents and the grant or sett herein contained had not been made and thereupon or at any time thereafter by deed under his or their hand or hands and seal or seals to revoke and make void these presents and from and immediately after such re-entry and revocation these presents and all grants setts licences powers and authorities herein contained and hereby granted shall cease and be utterly determined as well in equity as at law anything herein contained to the contrary notwithstanding save and except for the purpose of enforcing any right of action which shall or may have accrued to the said Grantors or to the said miners by reason of the breach of all or any of the covenants and conditions hereinbefore contained PROVIDED nevertheless that it shall not be lawful for the said Grantors to revoke this grant or to re-enter upon the said limits by reason of the breach of the covenant hereinbefore contained for effectually working the said lands with the number of able-bodied miners and in manner hereinbefore mentioned until the expiration of one month next after the service in manner hereinafter mentioned of a notice in writing under his or their hand or hands addressed "To all to whom it may concern" that he or they intend to revoke this grant and to re-enter upon the said lands by reason of the breach or non-performance of such last-mentioned covenants and then only in case the said limits shall not be effectually worked in the manner mentioned in the said covenants before the expiration of the said period of one month and so continued to be

worked during all the then residue of the said term AND it is hereby agreed by and between the said parties hereto that the delivering of any such notice to the purser agent or manager of the mine or mines to be worked within the said limits or the affixing the same to the door of the counting-house or office of the said mine or mines or on some other conspicuous place within the said limits shall be deemed and taken to be good service of such notice and that it shall be lawful for the said Grantors to give any such notice from time to time and notwithstanding the waiver of any former notice or notices

IN WITNESS whereof the said parties have hereunto set their hands and seals the day and year first above written.

(Signed, sealed, etc.).

The Mining Regulations in force in Great Britain, enacted for the safety and well-being of the miners as well as for the protection of property, comprised in the Metalliferous Mines Regulation Act and the Coal Mines Regulation Act, have been drawn with great care and are the result of the experiences of very able men. They are administered by H.M. Inspectors of Mines and Colliery Inspectors, and for the use of Englishmen in this country it would be difficult to frame any more efficient. But here the author would enter a very grave warning to those who might think of introducing them *en bloc* into any British colony or into a foreign country, especially into those in which coloured or Oriental labourers are employed. Many of the regulations, such as some of those contained in the General Rules of section 44 of the Metalliferous Mines Act, would be beneficial in almost any country; but there are others, such as those relating to the employment of men, notices, coroners' inquests, etc., the hasty and ill-considered introduction of which into some countries would be disastrous. The British Mining Regulations may, however, serve as a sound suggestive basis on which to form codes for other countries, the peculiarities of which must be carefully considered in each individual case. For this purpose transcripts are here given of the Abstracts of the two Acts of Parliament above referred to, as well as a list of Government publications on the subject.

ABSTRACT OF THE METALLIFEROUS MINES REGULATION ACTS, 1872 & 1875.

Application of Acts.

1. The Metalliferous Mines Regulation Act, 1872, hereinafter referred to as the Principal Act, and the Metalliferous Mines Regulation Act, 1875, hereinafter referred to as the Amending Act, apply to every mine of whatever description, except—

1. Coal mines,
2. Mines of stratified ironstone,
3. Mines of shale,
4. Mines of fireclay,

} which are subject to the Coal Mines Regulation Act, 1872.

The Acts extend to the Isle of Man.

2. *Definition of Mines.*—The term "mine" means a mine to which the Metalliferous Mines Regulation Acts, 1872 and 1875, apply, and includes every shaft in course of being sunk, and every level and inclined plane in the course of being driven, for commencing or opening any new mine, or for searching or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to a mine and any such shaft, level, and inclined plane, and belonging to the mine. The term "shaft" includes pit.

3. The commencement of the principal Act is 1st January 1873, and of the amending Act is 2nd August 1875.

Inspectors.

4. Inspectors of mines may be appointed by a Secretary of State, and a district may be assigned to each.

5. An inspector may not himself be or practise, or be the partner of one who is or who practises, as land agent or mining engineer, or as a manager, viewer, agent, or valuer of mines, or as arbitrator in mining cases, and may not be otherwise employed in or about any mine, whether such mine is one to which the Acts apply or not.

6. In order to ascertain whether the provisions of the Acts are observed both above ground and below ground, the inspector is authorised to examine any mine by day or by night, so, however, as not to impede the working thereof; and owners and agents, and all employed in or about the mine, are bound to render him every assistance in conducting such examination.

7. Each inspector is to make to a Secretary of State an annual report of his proceedings to be laid before Parliament, and when directed is to make a special report as to any mine accident attended with loss of life or personal injury. Such special report will be made public in the mode and at the time directed by a Secretary of State.

Restrictions as to Employment under *Ground.*

8. *Women and girls of any age* may not be employed at all.

9. *Boys under* 13 may not be employed at all.

10. *Male young persons of* 13 *and under* 16 may be employed not more than 54 hours a week, or more than 10 hours a day, and are to be allowed an interval of 12 hours for rest between each two consecutive periods of employment, except that an interval of 8 hours will suffice—

(*a*) between Friday and Saturday;

(*b*) between any two consecutive periods of employment in the case of a male young person who does not during the interval return to his ordinary place of residence; provided that he is not employed more than 40 hours in the week.

1. A week begins at midnight Saturday, and ends at midnight the Saturday following.

12. A period of a person's employment begins at the time of his leaving the surface, and ends at the time of his returning to the surface.

13. The immediate employer of any male young person of 13 and under 16, is not to take him below ground until he has reported his intention so to do to the owner or agent, or to some person appointed by the owner or agent.

Who may be employed about an Engine.

14. The person who is in charge of any engine, windlass, or gin, howsoever worked, which is used for the purpose of taking persons up or down or along any shaft, inclined plane, or level (being either an entrance to a mine or a communication from one part of a mine to another), or who is in charge of any part of the tackle of such engine, windlass, or gin, must be a male of at least 18 years of age.

If the engine, windlass, or gin is worked by an animal, then not the driver but the person under whose directions the driver acts is to be deemed the person in charge; but in that case the driver must not be under 12 years of age [13 if below ground].

Penalty for Misrepresentation of Age.

15. Any parent or guardian misrepresenting the age of any person with a view to procuring him employment in contravention of the principal Act will be liable to punishment.

Wages.

16. *Not to be paid in public-house, etc.*—Wages are not to be paid on any premises used for the sale of intoxicating liquor, or in any place contiguous to such premises.

Fencing Abandoned Mines.

17. *Rule.*—Subject to the exception presently mentioned, where any mine is abandoned, or the working thereof discontinued (at whatever time such abandonment or discontinuance occurred), the top of the shaft and any side entrance from the surface must be kept securely fenced by the owner of the mine or by the persons interested in the minerals thereof.

Exception.—This rule does not apply in the case of a mine abandoned or discontinued before 10th August 1872, except to a shaft or side entrance situated within 50 yards of a highway, road, footpath, or place of public resort, or in open or unenclosed land, or except to a shaft or side entrance which is specially required by the inspector of mines for the district to be fenced.

General Rules.

18. The principal Act prescribes General Rules (*set forth at length hereunder, paragraph* **44**) which are to be observed, so far as is reasonably practicable, in every mine.

Special Rules.

19. In addition to the General Rules, but not at variance with them, each mine may have its own set of Special Rules, framed to meet the special circumstances of the mine.

20. *Object.*—The object of special rules is—

1. To prevent dangerous accidents.
2. To provide for the proper discipline of those employed in the mine.

21. *Force.*—Special rules have the same force as if they were contained in the principal Act.

22. *How made.*—Special rules are prepared in the first instance on behalf of the owner, and are, together with a notice, to be posted up during a fortnight on the premises; such notice to be printed and to be to the effect that at the end of the fortnight the rules will be submitted to the inspector of mines for the district, and that in the meantime any person employed in the mine is entitled to forward any objection to the inspector at his address, as stated in the notice. On the expiration of the fortnight the owner or agent may transmit the proposed special rules to the inspector, together with a certificate that such rules and the notice have been posted up as aforesaid. Such certificate must be signed by the person transmitting the same.

23. A Secretary of State may, within 40 days, object to the special rules if they are insufficient or unreasonable, and require them to be modified. These requisitions must be complied with, or else referred to arbitration.

24. After 40 days, special rules, if not objected to, become established, and are to be signed by the inspector of the district.

25. *Amendment.*—At any time special rules may be amended in a like manner, at the instance of the owner or agent.

Also, a Secretary of State may at any time propose special rules where none exist, or amendments to existing special rules, and such proposals must be complied with, or referred to arbitration.

26. *Publication.*—A copy at full length of this abstract, and of the special rules (if any) when made, together with the name and address of the inspector of the district, and the name and address of the owner or agent of the mine, must be kept posted up on the premises, and a copy thereof supplied gratis, on application, to any person employed in or about the mine.

27. Any person who pulls down the documents so posted up is liable to punishment.

As to Dangerous Practices not expressly prohibited.

28. If in any respect a mine is carried on in a manner which, though not expressly forbidden by the terms of the principal Act or by special rules, is nevertheless dangerous, the inspector may require the matter to be remedied, and the owner or agent is bound to comply with the requisition, or else submit to a reference to arbitration.

Penalties.

29. Breach of a general rule by any person, or of a special rule by any person bound to observe the same, is an offence against the principal Act.

And in the event of such an offence being proved to have been committed, the owner and agent will also each of them be guilty of an offence against the principal Act, unless he proves that he had taken all reasonable means to prevent the offence by publishing and to the best of his power enforcing the rules.

A like liability arises with respect to other provisions of the Acts, the breach of which is declared an offence against the principal Act.

30. The penalty for an offence which by either of the Acts is declared to be an offence against the principal Act (except when another penalty is expressly specified) is—

(*a*) If the offence be committed by a person employed in or about the mine.	Not exceeding £2.
(*b*) If committed by the owner or agent.	Not exceeding £20, and a further penalty not exceeding £1 per day for every day that such offence continues to be committed after a written notice from the inspector.

31. Where, however, the court is of opinion that the offence is one which is reasonably calculated to endanger the safety of those employed in or about the mine, or to cause serious personal injury or dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the accused, and that a pecuniary penalty will not meet the circumstances of the case, the punishment may be imprisonment, with or without hard labour, for three months.

32. An appeal lies in case imprisonment or half the maximum penalty has been adjudged.

33. An offence can only be summarily prosecuted within three months after the date when it was committed.

34. An offence by an owner or agent cannot be summarily prosecuted, except either by an inspector of mines or with the consent of a Secretary of State.

35. The owner or agent may, if he think fit, be sworn and examined as an ordinary witness, if charged in respect of any contravention or non-compliance by another person.

36. Penalties for neglecting to send notice of accident, or for any offence against the principal Act which has occasioned loss of life or personal injury, may be directed by a Secretary of State to be paid to the sufferers or to the relatives of deceased sufferers, but not to any person who has contributed to the neglect or offence.

Register.

37. The owner or agent must keep a register containing the particulars prescribed by section 6 as to—

(*a*) Male young persons of 13 and under 16 employed below ground.

(*b*) All women, young persons, and children employed above ground.

This register must be kept either in the office at the mine, or in the principal office at the mines belonging to the same owner in the same district.

The register is to be produced to the inspector, who may inspect and copy it.

Annual Return.

38. Subject to the exception presently mentioned, the owner or agent of each mine is, on or before the 1st of February in each year, to send to the inspector of the district a return, in form to be prescribed by a Secretary of State, specifying, as to the persons employed in or about the mine and the mineral produced from the mine, the particulars mentioned in sec. 1 of the amending Act.

Exception.—In any mine where not more than 12 persons are employed underground, the returns specifying the quantity of mineral produced from such mine shall be made by the barmaster or other officer, if any, employed to collect the dues or royalty; and where there is any barmaster or other officer, the owner or agent is not required to send any return specifying the number of persons employed in or about the mine.

Plans.

39. Except in the case of a mine where not more than 12 persons are ordinarily employed below ground, the owner or agent is to keep an accurate plan and section or a tracing thereof of the mine, showing the workings up to at least six months previously, except workings last discontinued before 1st January 1872.

This plan is to be kept either in the office of the mine, or in the principal office of the mines belonging to the same owner in the same district, and is to be produced to the inspector of mines for him to examine. If required, the owner or agent is to mark on the plan the workings up to the time of production.

40. *Plans for Abandonment.*—Within three months of the abandonment of a mine (except in the case of a mine where not more than 12 persons have ordinarily been employed below ground) a plan and section or tracing thereof, showing the boundaries of the workings, are to be sent by the owner to a Secretary of State as a mining record, not, however, to be seen until after the lapse of 10 years, except by an inspector or under a licence from a Secretary of State.

Notices.

41. *Notices*[1] of accidents in or about a mine must be sent by the owner or agent of the mine to the inspector of mines for the district as follows:

[1] The Railway Employment (Prevention of Accidents) Act, 1900, also enacts that where any line or siding is used in connection with a mine, and is neither part of the mine nor a railway used for the purposes of public traffic, the

1. Of any accident causing loss of life or serious personal injury, within 24 hours after such accident.
2. Of any accident from explosion of gas, powder, or steam boiler,[1] causing any personal injury, within 24 hours after such accident.
3. Of any death resulting from personal injury caused by an accident previously reported, within 24 hours after the death comes to the knowledge of the owner or agent.

42. Also, unless in the case of a mine where not more than 12 persons are ordinarily employed below ground, *notices* must be sent by the owner or agent to the inspector of mines for the district:

1. Of the commencement of any working for the opening of a new shaft.
2. Of the abandonment of a shaft.
3. Of the recommencement of the working of a shaft after an abandonment for more than two months.
4. Of any change in the name of the mine, or in the name of the owner or agent, except that in the case of a partnership working a mine within the Stannaries of Devon and Cornwall, notice of every change in the purser of the partnership may be given, instead of notice of every change in the members of the partnership.
5. Of any change in the officers of any incorporated company owning a mine.

} within two months after the event to be notified.

Coroners' Inquests.

43. In the case of an inquest being held concerning a death caused by a mine accident, unless the inspector or some other person on behalf of a Secretary of State is present, the coroner is to adjourn the inquest, and to send to the inspector four days' notice of the time and place of the adjourned inquest.

If, however, only one life has been lost by the accident, and 48 hours' notice of the time and place of holding the inquest has been sent to the inspector, the inquest need not be adjourned if the majority of the jury think it unnecessary.

At the inquest the inspector of mines may examine any witness subject to the order of the coroner.

If the inspector is not present, and evidence is given of any neglect having caused or contributed to the accident, or of any defect in or about the mine appearing to require a remedy, the coroner is to send to the inspector notice thereof in writing.

In the event of a fatal accident occurring in a mine and an inquest

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owner shall report to a Secretary of State every accident occurring on the line or siding to persons employed in the mine, if the accident causes death or prevents the injured man on any of the three working days following the accident working for at least five hours.

[1] Under the Boiler Explosions Acts notice of all boiler explosions must also be sent to the Board of Trade, Whitehall, London, S.W.

being held, no person who is employed in that mine or is concerned in its management or has a personal interest in that mine is qualified to serve on the jury.

General Rules.

44. The following are the general rules:—

(1) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working places of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

(2) Gunpowder or other explosive or inflammable substance shall only be used underground in the mine as follows:

(*a*) It shall not be stored in the mine:

(*b*) It shall not be taken into the mine, except in a case or canister containing not more than four pounds:

(*c*) A workman shall not have in use at one time in any one place more than one of such cases or canisters:

(*d*) In charging holes for blasting, except in mines exempted from the operation of this section by the Secretary of State, an iron or steel pricker shall not be used, and a person shall not have in his possession in the mine underground any iron or steel pricker, and an iron or steel tamping rod or stemmer shall not be used for ramming either the wadding or the first part of the tamping or stemming on the powder:

(*e*) A charge of powder which has missed fire shall not be unrammed.

(3) Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding 30 yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than 20 yards, with sufficient man-holes for places of refuge.

(4) Every road on which persons travel underground, where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than 100 yards, with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tramroad and the side of the road; and the Secretary of State may, if he see fit, require the inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid.

(5) Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

(6) The top of every shaft which was opened before the commencement of the actual working for the time being of the mine and has not been used during such actual working shall, if so required in writing by the inspector of the district, be securely fenced, and the top of every

other shaft which for the time being is out of use, or used only as an air shaft, shall be securely fenced.

(7) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

(8) When the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

(9) Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine, and another portion of the same shaft is used for raising the material gotten in the mine, the first-mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion.

(10) Every working shaft in which persons are raised shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in work between the surface and the bottom of the shaft.

(11) A sufficient cover overhead shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the inspector of the district.

(12) A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load.

(13) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances, as may be sufficient to prevent the rope from slipping.

(14) There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft.

(15) A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms at intervals of not more than 20 yards.

(16) If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses.

(17) Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.

counsel, solicitor, or agent, subject, however, to the order of the coroner. (Section 48.)

Employment of Boys, Girls, and Women.

"Boy" means a male under the age of 16.

"Girl" means a female under the age of 16.

"Woman" means a female of the age of 16 or upwards. (Section 75.)

A "week" begins at midnight on Saturday and ends at midnight on the succeeding Saturday. (Sections 6 (3) and 7 (6).)

A "period of employment below ground" begins at the time of leaving the surface and ends at the time of returning to the surface. (Section 6 (2).)

If the age of a boy or girl is misrepresented by a parent or guardian, the parent or guardian, and not the owner, agent, manager, or employer, is liable to a penalty. (Section 64.)

A register of particulars concerning boys, girls, and women employed has to be kept. (Section 8 (1).)

Below Ground.—

Girls and women of any age Boys under 12	May not be employed or be for the purpose of employment. (Section 4.)
Boys over 12	Not for more than 54 hours in one week. Not for more than 10 hours in one day. Eight hours must elapse between the period of employment on Friday and that on Saturday, and twelve hours between other periods of employment. (Sections 5 and 6.)

The immediate employer of every boy, if he is other than the owner, agent, or manager of the mine, shall, before he causes the boy to be below ground, report to the manager, or to some person appointed by the manager, that he is about to employ the boy in the mine. (Section 8 (2).)

Above Ground.—

Girls under 12 Boys under 12	May not be employed.
Girls under 13 Boys under 13	Not for more than six days in one week. Not for more than 6 hours in any day if employed for more than three days in a week. Not for more than 10 hours in any day if employed for only three days or less than three days a week.
Boys of 13 and upwards Girls of 13 and upwards Women	Not for more than 54 hours in one week. Not for more than 10 hours in one day.

Boys Girls Women	Not to be employed between 9 p.m. and 5 a.m. Not on Sunday. Not after 2 p.m. on Saturday [except in those mines in Ireland which may have been exempted]. Eight hours must elapse between the termination of employment on Friday and the commencement of employment on Saturday, and twelve hours between any other two days. Not to be employed continuously for more than five hours without an interval of at least half an hour for a meal. Not to be employed continuously for more than eight hours without an interval or intervals for meals amounting to not less than an hour and a half. Not to be employed in moving railway waggons. (Section 7.)

Sanitary Regulations.—Any local authority may require the owner of a mine in any portions of which persons of both sexes are employed or intended to be employed at one time, to construct a sufficient number of water-closets, earth-closets, or privies and ashpits for the separate use of each sex. (Section 74.)

WAGES.

Place of Payment.—Wages may not be paid on any premises used for the sale of intoxicating liquor, or in any place contiguous to such premises. (Section 11.)

(1) *Payment by Weight.*

Payment according to Weight.—Where the amount of wages paid to any of the persons employed depends on the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable. (Section 12 (1).)

Deductions.—The owner, agent, or manager may agree with the persons employed that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any tubs, baskets, or hutches being improperly filled, in those cases where they are filled by the getter of the mineral, or his drawer, or by a person immediately employed by him.

The owner, agent, or manager and the persons employed may further agree on *some special mode* of making the deductions. If no special mode is agreed on, the deductions will be determined in one or other of the following ways:—

(*a*) By a person appointed for that purpose by the owner, agent, or manager;
(*b*) By such person and the check-weigher;
(*c*) (In case of difference) by a third person mutually agreed on by the owner, agent, or manager and the persons employed;
(*d*) (In default of such agreement) by a third person appointed by the Chairman of Quarter Sessions (in Scotland, the Sheriff). (Section 12.)

Check-weigher, Appointment and Duties.—The persons employed, who are paid according to the weight of mineral gotten by them, may station at their own cost a check-weigher at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may, on their behalf, take a correct account of the weight of mineral or determine correctly the deductions. (Section 13 (1).)

The owner, agent, or manager shall give proper facilities for the holding of a meeting for the purpose of appointing a check-weigher, and shall not interfere with or improperly influence any such appointment. ("1894," section 1.)

The check-weigher is entitled to have every facility afforded him for performing his duties, and for testing the weighing machines—which are subject to the Weights and Measures Acts, 1878 to 1893, and are to be examined once at least in every six months by an inspector under those Acts—and for checking the tareing of tubs and trams where necessary. The person weighing the mineral shall not impede the check-weigher in the proper discharge of his duties, or improperly interfere with or alter the weighing machine or the tare.

The check-weigher is at liberty to give to any workman an account of the mineral gotten by him or information with respect to the weighing or the weighing machine, the tareing of the tubs or trams, the deductions, or any matter within the scope of his duties as check-weigher; but he may not in any way impede or interrupt the working of the mine, or interfere with the weighing or with any of the workmen, or with the management of the mine; and the absence of a check-weigher is not to be any reason for interrupting or delaying the weighing or the determination of the deductions, unless the check-weigher has had reasonable grounds to think that the weighing or the determination would not be proceeded with. (Section 13 (2), (3), and (8).)

Check-weigher, Removal for Misconduct.—The owner, agent, or manager, if he desires the removal of a check-weigher on the ground that he has exceeded his duties or abused his position, may complain to a court of summary jurisdiction; and the court may, after hearing the parties, make a summary order for his removal.

The check-weigher shall thereupon be removed, but another may be stationed in his place. (Sections 13 (4) and (5) and 61 (2).)

Check-weigher, Remuneration. — Where a check-weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine, and paid by weight of mineral gotten by them, and has acted as such, he may recover from any person for the time

so employed and paid, such proportion of his wages as may be due from such person, notwithstanding that any of the persons by whom the check-weigher was appointed may have subsequently left, and others have entered the mine.

The owner or manager may, where the majority of the said persons determined by ballot so agree, retain for the check-weigher the agreed contribution from the wages of the said persons, and account for the same to the check-weigher. (Section 14 (1).)

(2) *Payment otherwise than by Weight.*

Payment by Measure or Gauge.—The Secretary of State may, on the joint representation of the owner or owners of any mine or class of mines employing not more than thirty persons underground, and the persons employed, allow any method of payment other than according to weight, subject to such conditions (if any) as he thinks fit.

In that case the provisions of the Acts as to payment by weight apply as if the term "weighing" included measuring and gauging. (Sections 12 (3) and 13 (7).)

Shafts and Outlets.

Two shafts or outlets must be provided in communication with every seam for the time being at work, capable of affording separate means of ingress and egress to the persons employed in the seam.

The shafts or outlets shall not at any point be nearer to one another than 15 yards; and there shall be between them a communication not less than 4 feet wide and 4 feet high.

Proper apparatus for raising and lowering persons at each shaft or outlet shall be kept on the works belonging to the mine; and such apparatus, if not in actual use at the shafts or outlets, shall be constantly available for use. (Section 16.)

In certain cases (for details see sections 16 (1) (*b*) and 18 of the Act) compliance with the provisions as to the number of shafts or outlets and the dimensions of communications may be dispensed with.

General and Special Rules.

Rules.—In every mine, certain general rules (*set out in full on page* 38 *and the following pages*) are to be observed so far as is reasonably practicable, and also there must be established such special rules as are called for by the particular state and circumstances of the mine. (Sections 49 and 51, and "1896," section 1.)

Method of Establishing Special Rules.—The rules are framed by the owner, agent, or manager, and transmitted to the inspector of the district for approval by the Secretary of State.

Before being so transmitted, a copy of the proposed rules is posted up at the mine for not less than two weeks, and during that time any person employed in the mine may send objections to the inspector. After the rules are established, amendments or additions may be made from time to time. (Sections 51 to 54.)

Explosives.

Dangerous Explosives.—The use of any explosive which is or is likely to become dangerous may be prohibited, or allowed only under special conditions, by an Order of the Secretary of State. ("1896," section 6.) *A summary of the Order now in force is given at the end of this Abstract.*

Offences.

Penalties.—Failure to comply with (1) any of the provisions of the Acts; (2) any general rule; (3) any special rule; or (4) any Order of the Secretary of State relating to explosives, is an offence against the Acts for which the offender may be prosecuted. An owner, agent, manager, under-manager, or contractor is liable for an offence to a penalty not exceeding £20—except in certain cases where a higher penalty is provided for. Any other person is liable to a penalty not exceeding £2. The penalty may, under certain conditions, and if the Secretary of State thinks fit, be paid to the persons injured or to the relatives of persons killed.

If the offence appears to the Court to be so serious that a fine is inadequate, and to have been committed wilfully and by the personal fault of the person accused, imprisonment for not more than three months may be imposed. (Sections 50, 51, 59, 60, and 75, "1894," section 1, and "1896," section 6.)

Copies of Abstract of Act and Special Rules.

A printed copy of the Abstract of the Acts and of the special rules shall be supplied gratis to every person employed in or about a mine who applies for a copy at the pay office of the mine.

Copies of the Abstract and of the special rules have to be kept posted up at the mine where they may be conveniently read; and it is an offence against the Acts to pull down, injure, or deface such copies or any other notice or document posted up in pursuance of the Acts or of the special rules. (Sections 57 and 58.)

General Rules.

The following are the general rules for every mine. (Section 49 and "1896," section 5.)

Rule 1.—An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places, shall be in a fit state for working and passing therein.

In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine.

Rule 2.—Where a fire is used for ventilation in any mine newly opened after the passing of this Act, the return air, unless it be so

diluted as not to be inflammable, shall be carried off clear of the fire by means of a dumb drift or air-way.

Rule 3.—Where a mechanical contrivance for ventilation is introduced into any mine after the commencement of this Act, it shall be in such position and placed under such conditions as will tend to ensure its being uninjured by an explosion.

Rule 4.—A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require ; and the following provisions shall have effect :—

(i.) As to inspection before commencing work :

A competent person or competent persons appointed by the owner, agent, or manager for the purpose, not being contractors for getting minerals in the mine, shall, within such time immediately before the commencement of each shift as shall be fixed by special rules made under this Act, inspect every part of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and all working places in which work is temporarily stopped within any ventilating district in which the men have to work, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides, and general safety are concerned.

No workmen shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe.

The inspection shall be made with a locked safety lamp, except in the case of any mine in which inflammable gas has not been found within the preceding twelve months.

A report specifying where noxious or inflammable gas, if any, was found present, and what defects (if any) in roofs or sides, and what (if any) other source of danger were or was observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and so far as the same does not consist of printed matter, shall be in the handwriting of, the person who made the inspection.

For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(ii.) As to inspection during shifts :

A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift, but it shall not be necessary to record a report of the same in a book : Provided that in the case of a mine worked continuously throughout the twenty-four hours by a succession of shifts the report of one of such inspections shall be recorded in manner above required.

Rule 5.—A competent person or competent persons appointed by the owner, agent, or manager for the purpose, shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, the state of the guides and conductors in the shafts, and the state of the head-gear, ropes, chains, and other similar appliances of the mine which are in actual use both above ground and below ground, and shall once

at least in every week examine the state of the shafts by which persons ascend or descend; and shall make a true report of the result of such examination, and every such report shall be recorded without delay in a book to be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Rule 6.—Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

Rule 7.—If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine, or that part thereof, or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous, and a competent person appointed for the purpose shall inspect the mine or part so found dangerous, and if the danger arises from inflammable gas shall inspect the mine or part with a locked safety lamp; and in every case shall make a true report of the condition of the mine or part; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine, or part so found dangerous, until the same is stated by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Rule 8.—No lamp or light other than a locked safety lamp shall be allowed or used—

(*a*) In any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous; or

(*b*) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas.

And when it is necessary to work the coal in any part of a ventilating district with safety lamps, it shall not be allowable to work the coal with naked lights in another part of the same ventilating district situated between the place where such lamps are being used and the return air-way.

Rule 9.—Wherever safety lamps are used, they shall be so constructed that they may be safely carried against the air-current ordinarily prevailing in that part of the mine in which the lamps are for the time being in use, even though such current should be inflammable.

To be provided by owner.—A safety lamp shall not be used in any mine or part of a mine by any person employed therein, unless it is provided by the owner of the mine, and no portion of any safety lamp shall be removed by any person from the mine, while the lamp is in ordinary use.

Rule 10.—In any mine or part of a mine in which safety lamps are required by this Act or by the special rules made in pursuance of this Act to be used—

(i.) A competent person appointed by the owner, agent, or manager for the purpose shall, either at the surface or at the appointed lamp station, examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be in safe working order and securely locked; and such lamps shall not be used until they have been so examined and found in safe working order and securely locked:

(ii.) A safety lamp shall not be unlocked except either at the appointed lamp station, or for the purpose of firing a shot, in conformity with the provisions hereinafter contained:

(iii.) A person, unless he has been appointed either for the purpose of examining safety lamps, or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety lamp:

(iv.) A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light, except within a completely closed chamber attached to the fuse of the shot.

Rule 11.—Where safety lamps are required to be used, the position of the lamp stations for lighting or relighting the lamps shall not be in the return air.

Rule 12.—Any explosive substance shall only be used in the mine below ground as follows:

(*a*) It shall not be stored in the mine:

(*b*) It shall not be taken into the mine, except in cartridges in a secure case or canister containing not more than five pounds:

Provided that on the application of the owner, agent, or manager of any mine, the Secretary of State may by order exempt such mine from so much of this rule as forbids taking an explosive substance into the mine except in cartridges:

(*c*) A workman shall not have in use at one time in any one place more than one of such cases or canisters:

(*d*) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker, scraper, charger, tamping rod, or stemmer, and only clay or other non-inflammable substances shall be used for stemming, and shall be provided by the owner of the mine:

(*e*) No explosive shall be forcibly pressed into a hole of insufficient size, and, when a hole has been charged, the explosive shall not be unrammed, and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire:

(*f*) In any place in which the use of a locked safety lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by or under the direction of a competent person appointed by the owner, agent, or manager of the mine, and such person shall not fire the shot or allow it to be fired until he has examined both the place itself where the shot is to be fired, and all contiguous accessible places of the same seam within a radius of twenty yards, and has found such place safe for firing:

(*g*) If in any mine, at either of the four inspections under **rule 4** recorded last before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired—

(1) Unless a competent person, appointed as aforesaid, has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or

(2) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas:

(*h*) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say,—

(1) Unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering in all parts where dust is lodged, whether roof, floor, or sides; or

(2) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust:

(*i*) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—

(1) Both the conditions mentioned in sub-head (*h*) have been observed: or

(2) Unless such one of the conditions mentioned in sub-head (*h*) as may be applicable to the particular place has been observed, and moreover all workmen have been removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam boilers, engines, machinery, winding apparatus, signals, or horses, or in inspecting the mine:

(*k*) In this Act "ventilating district" means such part of a seam as has an independent intake commencing from a main intake air-course and an independent return air-way terminating at a main return air-course; and "main haulage road" means a road which has been, or for the time being is, in use for moving trams by steam or other mechanical power:

(*l*) Where a seam of a mine is not divided into separate ventilating districts, the provisions in this Act relating to ventilating districts shall be read as though the word "seam" were substituted for the words "ventilating district":

(*m*) So much of this rule as requires the explosive substance taken into the mine to be in cartridges, and so much of the provisions

of sub-head (*f*) as relates to a dry and dusty place, and the provisions (*g*), (*h*), (*i*), (*k*), and (*l*) shall not apply to seams of clay or stratified ironstone which are not worked in connection with any coal seam, and which contain no coal in the working.

N.B.—*For additional provisions as to the kinds of explosives which alone may be used in certain cases and as to special precautions* see *Abstract.*

Rule 13.—Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within forty yards of that place exceed eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than five yards, in advance, at least one bore-hole near the centre of the working, and sufficient flank bore-holes on each side.

Rule 14.—Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient man-holes for places of refuge at intervals of not more than twenty yards, or if there is not room for a person to stand between the side of a tub and the side of the plane, then (unless the tubs are moved by an endless chain or rope) at intervals of not more than ten yards.

Rule 15.—Every road on which persons travel underground where the load is drawn by a horse or other animal shall be provided, at intervals of not more than fifty yards, with sufficient man-holes, or with places of refuge, and every such place of refuge shall be of sufficient length, and at least three feet in width, between the waggons running on the road and the side of such road. There shall be at least two proper travelling ways into every steam-engine room and boiler gallery.

Rule 16.—Every man-hole and every place of refuge shall be constantly kept clear, and no person shall place anything in any such man-hole or place of refuge.

Rule 17.—Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering.

Rule 18.—The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be and shall be kept securely fenced.

Rule 19.—The top and all entrances between the top and bottom, including the sump, if any, of every working ventilating or pumping shaft shall be properly fenced, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

Rule 20.—Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

Rule 21.—The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure.

Rule 22.—Where the timbering of the working places is done by the workmen employed therein, suitable timber shall be provided at the working place, gate end, pass-by, siding or other similar place in the mine convenient to the workmen, and the distance between the sprags or holing props where they are required shall not exceed six feet, or such less distance as may be ordered by the owner, agent, or manager.

Rule 23.—Where there is a downcast and furnace shaft to the same seam, and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the downcast shaft.

Rule 24.—In any mine which is usually entered by means of machinery, a competent male person not less than twenty-two years of age shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine.

Where any shaft, plane, or level is used for the purpose of communication from one part to another part of a mine, and persons are taken up or down or along such shaft, plane, or level, by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, the person in charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, must be a competent male person not less than eighteen years of age.

Where the machinery is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this rule, be deemed to be the person in charge of the machinery.

Rule 25.—Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the inspector of the district, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft.

Rule 26.—If in any mine the winding apparatus is not provided with some automatic contrivance to prevent over-winding, then the cage, when men are being raised, shall not be wound up at a speed exceeding three miles an hour, after the cage has reached a point in the shaft to be fixed by the special rules.

Rule 27.—A sufficient cover overhead shall be used for every cage or tub employed in lowering or raising persons in any working shaft, except where the cage or tub is worked by a windlass, or where persons are employed at work in the shaft, or where a written exemption is given by the inspector of the district.

Rule 28.—A single linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to the cage or tub.

Rule 29.—There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances, as may be sufficient to prevent the rope from slipping.

Rule 30.—There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate break or breaks, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage or tub in the shaft.

If the drum is not on the crank shaft, there shall be an adequate break on the drum shaft.

Rule 31.—Every flywheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and shall be kept securely fenced.

Rule 32.—Each steam boiler, whether separate or one of a range, shall have attached to it a proper safety valve, and also a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in each boiler.

Rule 33.—A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

Rule 34.—Where persons are employed underground, ambulances or stretchers, with splints and bandages, shall be kept at the mine ready for immediate use in case of accident.

Rule 35.—No person shall wilfully damage, or without proper authority remove or render useless, any fence, fencing, man-hole, place of refuge, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break, indicator, steam gauge, water gauge, safety valve, or other appliance or thing provided in any mine in compliance with this Act.

Rule 36.—Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Act or the special rules in force in the mine.

Rule 37.—The books[1] mentioned in these rules shall be provided by the owner, agent, or manager, and the books, or a correct copy thereof, shall be kept at the office at the mine, and any inspector under this Act, and any person employed in the mine or anyone having the written authority of any inspector or person so employed, may at all reasonable times inspect and take copies of and extracts from any such books; but nothing in these rules shall be construed to impose the obligation of keeping any such book or a copy thereof for more than twelve months after the book has ceased to be used for entries therein under this Act.

Any report by this Act required to be recorded in a book may be partly in print (including lithograph) and partly in writing.

Rule 38.—The persons employed in a mine may from time to time appoint two of their number or any two persons, not being mining engineers, who are practical working miners, to inspect the mine at their own cost, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent, or manager of the mine

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[1] *See* Rules 1, 4, 5, 7, and 38.

No. of Form.		Price.
15.	Acknowledgment of Notice of Accident. (With Inspector's address at top and name at bottom) . . .	—
16.	Certifying Surgeon's Report of Accident . . .	—
17.	List of Fatal and Non-fatal Accidents. Mines, Quarries, Factories	—
18.	Summary of separate Accidents in Mines . . .	—
19.	Summary of separate Accidents in Quarries . . .	—
20.	Summary of separate Accidents in Factories and Workshops	—
21.	Summary showing Hour of Shift in which Accidents happened	—
23.	Certifying Surgeon's Annual Account . . .	—
*24.	Annual Return. Coal Mines	1*d.*
*25.	Ditto. Metalliferous Mines . . per doz.	6*d.*
*26.	Ditto. Quarries, Factories, and Workshops ,,	6*d.*
27.	Ditto. Open Works	—
29.	Summary of Annual Returns. Coal Mines . . .	—
30.	Ditto. Metalliferous Mines, Quarries, Factories and Workshops	—
31.	Acknowledgment of Notice of Opening or Recommencement	—
32.	Acknowledgment of Notice of Discontinuance or Abandonment	—
33.	Form of Report on Plans of Abandoned Mines . .	—
34.	Acknowledgment of Notice of Appointment of Manager .	—
35.	Notice of Danger	—
36.	Shaft Exemptions	—
37.	Transmitting Special Rules. (With Inspector's address at top and name at bottom	—
38.	Returning Special Rules to Owner. (Ditto.)	—
*39.	Conviction Return . . . . . per doz.	6*d.*
*40.	Information for Candidates	1*d.*
41.	Telegram Account	—
42.	Expenses Account	—

Numbers 14 and 28 are now comprised in Nos. 13 and 26 respectively; Number 22 is obsolete.

NOTE.—All the above forms will be supplied to the Inspectors of Mines from the Home Office on application. The forms used for Summaries may be had bound together in book form if required.

Copies of the Sale Forms mentioned above may be purchased, either directly or through any Bookseller, from Wyman & Sons, Limited, Fetter Lane, E.C.; or Oliver & Boyd, Tweeddale Court, Edinburgh; or E. Ponsonby, 116 Grafton Street, Dublin.

CHAPTER III.

BRITISH INDIA.

Ancient Mining.—In India, as in Egypt and all the other ancient civilisations of the world, mining work was carried on in immemorial times under the despotic rulers of the past. With the varying political and social aspects of the country, the industry waxed and waned through ages, until, in the earlier days of British occupation, the mining of the metalliferous minerals was almost extinct, though the search for precious stones in river-beds and alluvial deposits appears to have always had a fitful existence. In the later seventies of last century a great revival of interest in Indian mining was caused by the reopening of the ancient gold-mines in the State of Mysore, followed by the investment of British capital in prospecting and mining operations for metalliferous minerals and coal in many parts of the peninsula.

Revival under British Rule.—The mining laws and traditionary customs of ancient India are of far too abtruse a nature to be studied with profit here, more especially as our modern Indian code is in no way based upon them. With the revival of mining under British rule in India, and the consequent influx of European capitalists and miners, a new era dawned, and the necessity for mining laws and regulations of modern form arose.

Mining Law of Indian Government.—A carefully drawn code, based on the concession system, was promulgated by the Government of India, Department of Geology and Minerals, 20th May 1899, and by the Geological Department of His Highness the Maharaja of Mysore, 2nd March 1904, by which the acquisition, tenure, and working of minerals in the respective territories are determined. The legislation of the Indian Government and that of the State of Mysore are so nearly identical in all essential points that the latter, as being somewhat more in detail, can be taken as typical of the mining law of India. Both the Indian and the Mysore Governments provide for the issue of exploring

licences, prospecting licences, and mining leases to their concessionaires. The first of these appear to be supererogatory to the second, especially as it is explicitly stated in a footnote to the Indian Act that "Government land may be freely searched without a licence," and all land except Government unoccupied land is by clause 2 exempted from the operation of the Act. Unless under some special reservation, the minerals of all classes in India belong to the surface owner. The evidence given before the Mining Royalties Commission by Sir Charles Bernard shows that in Bengal and in the settled parts of North-Western India the property in minerals is vested in the owner of the surface. In the Madras Presidency also the surface landlords are recognised as the owners of the minerals; but when these minerals are worked, the owners are bound to pay to the Government an extra land tax of 5 rupees per acre. In other parts of British Indian territory and in the native State of Mysore the minerals are the property of the State. In many cases where the minerals are the property of the surface landlord, the Government has power to acquire or expropriate land for public purposes (either with or without mines), on making full compensation, as provided for by the Land Acquisition Act, 1870, and the Land Acquisition (Mines) Act, 1885. This power has in many cases been exercised for the purpose of acquiring and letting coal-mines to be worked by public companies.

The Indian prospecting licence is granted to any responsible applicant, and confers exclusive prospecting rights over the area concerned. It is, as in Great Britain, a modified form of mining lease, as it allows the extraction of mineral for sale as well as for sample purposes, and to a considerable extent mines could, under it, be worked as commercial undertakings, which in many countries is not the case. The mining lease is a much more elaborate and secure form of tenure, and is usually granted in the first instance for a term of thirty years, with right of renewal if the terms of the lease have been satisfactorily observed. An adequate working capital has to be provided, a rental of about 5 rupees per acre per annum paid, as well as a royalty on the production, which is assessed in a rather peculiar manner. On gold and silver ores there are no royalties payable until the mine shows an annual profit on working; when it reaches that stage, a charge is made of 5 per cent. per annum of the gross sale value of the metal extracted; and, when the profits of the mine amount to £25,000 per annum, an additional tax is imposed of 5 per cent. per annum on the net or divisible profits above that sum. The following are the forms of prospecting licence and mining lease now in use in the State of Mysore, the principal gold-mining district in India:—

MYSORE PROSPECTING LICENCE.

Prospecting Licence granted this day of 190 by the Government of His Highness the Maharaja of Mysore to of , hereinafter called the Licensee

Whereas the licensee has applied in accordance with the rules published under Notification (Geol.) No. 555 S., dated 2nd March 1904, for a licence to prospect for minerals in the area described in the schedule hereto, delineated in the plan hereto annexed and containing square miles or thereabouts, and has paid the sum of being the rent for one year in respect of the said area :—

1. The Government of His Highness the Maharaja of Mysore hereby grant to the licensee exclusive licence and liberty to prospect for minerals, stones or rocks in the area aforesaid for a period of one calendar year from the date hereof.

2. This licence and any lease granted hereunder is subject to any vested interests and to any rights and liberties which have been granted by Government in the said area or in the gold, minerals, stones or rocks therein contained, prior to the date of the grant hereof.

3. The licensee shall forthwith thoroughly and vigorously prospect and examine the said area, and make, dig and carry out all necessary trenches, pits and other works as are necessary or proper for the efficient prospecting thereof.

4. All operations under this licence shall be conducted under such supervision and in accordance with such regulations as the Government may from time to time prescribe.

5. The licensee shall, within six months next after the determination of the licence or the date of the abandonment of the undertaking, whichever shall first occur, securely plug any bores and fill up or fence any holes or excavations that he may have made in the land to such extent as the Deputy Commissioner may require, and shall to the like extent restore the surface of the land and all buildings thereon which he may have damaged in the course of prospecting: Provided that this clause shall not apply to any land held under a mining lease.

6. The licensee shall keep proper accounts and plans and furnish to the Government full and correct information as to all minerals, stones and rocks found or mined and raised in the course of operations under this licence and the treatment, preparation and disposal of the same and shall pay a royalty at the following rates on the gross value of the gold, metals, precious stones and other valuable products in a finished, completed or refined state, obtained or prepared (whether by licensee or others) from the minerals, stones and rocks aforesaid without any deduction for the cost of the processes employed or any other deduction whatsoever, that is to say:—On gold and silver, five per cent.; on copper, tin, lead, zinc, bismuth, aluminium, mercury and mica, two and a half per cent.; on iron, one per cent.; on precious stones, per cent.; and on all other finished products, five per cent.

7. The licensee shall afford any other information in connection with the said area and the works carried on there, and furnish any samples which the Government may ask for. The licensee shall give

every facility to the Government in inspecting the work carried on in the said area and in taking samples of minerals, stones and rocks found, mined, raised or being in or on the said area, or any products obtained or prepared therefrom. The Government will pay a fair price for any samples of intrinsic value.

8. In the course of prospecting operations, no occupied or private lands shall be entered upon or disfigured except under agreement with the owner or occupant thereof.

9. The licensee shall not, without obtaining the sanction in writing of the District Forest Officer upon such conditions as that officer may in his absolute discretion prescribe, enter upon or commence prospecting in any State forest or land under special protection comprised in the said area.

10. The licensee shall abstain from all interference with the free use of any tanks, watercourses, sacred groves, burial-grounds, village sites for houses or grazing lands which may now exist in the said area, and in no way obstruct any road, path or byway of any kind whatsoever in the said area, and will not do anything which may directly or indirectly injure in any way any occupied lands or villages, houses or other private property whether in the said area or adjoining thereto.

11. The licensee shall make and pay reasonable satisfaction and compensation for all injury which may be done by him in exercise of the powers granted by the licence and shall indemnify the Government against all claims which may be made by third parties in respect of any such damage or injury.

12. The licensee shall not cut or injure any tree or unoccupied and unreserved land without the permission in writing of the Deputy Commissioner.

13. This licence shall not be assigned, nor any right or interest hereunder transferred, without the consent in writing of the Government.

14. If prospecting work is not commenced within six calendar months from the date hereof and carried on to the reasonable satisfaction of Government, or if there shall be any other breach by the licensee of any provision in this licence contained, the licence may be summarily revoked by the Government and thereupon all rights conferred hereby or enjoyed hereunder shall cease.

15. The licensee shall be at liberty at any time during the term of this licence to select for mining purposes a block of land not exceeding one square mile in area and not more than one mile from end to end in any direction within the area to which this licence applies and shall be entitled to the grant of a mining lease in respect of the block so selected in accordance with the rules for the grant of mining leases published under Notification No. 555 S., dated 2nd March 1904.

SCHEDULE.

Land comprised in this licence.

By Order,

Secretary to the Government of Mysore,
Geological Department.

MYSORE MINING LEASE.

This Indenture made the day of 1 between the Government of H.H. the Maharaja of Mysore (hereinafter called "the lessors," which expression shall be taken to mean and include the Government of H.H. the Maharaja of Mysore, their successors and assigns, except where the context requires another or different meaning) of the one part and (hereinafter called "the lessee," which expression shall be taken to mean and include the said his heirs, executors, administrators, representatives and assigns, except where the context requires another or different meaning) of the other part:—

2. Whereas the lessors, at the request of the lessee and in consideration of a deposit of Rs. 1000 made by the lessee as security for the due fulfilment of the covenants and agreements on the lessee's part hereinafter contained and which deposit shall be forfeited on any failure thereof, have agreed to grant the mining lease hereafter contained in respect of the piece of land delineated in the map or plan hereto annexed and situate at in the Taluk of in the District of in the Mysore Territories, estimated to comprise and particularly mentioned and described in Schedule A hereto annexed and which piece of land is hereinafter called the "mining block";

3. Now this Indenture Witnesseth that in consideration of the royalties, rents and other payments hereinafter reserved and in consideration of and subject to the covenants and agreements by the lessee hereinafter contained, the lessors do hereby *demise* and *grant* unto the lessee *exclusive licence* and liberty to search for, mine and raise all auriferous (with the exception of alluvial or detrital gold) and other valuable minerals, stones and rocks (hereinafter collectively referred to as "minerals") occurring in or upon the mining block, and to treat the same by metallurgical and other processes and obtain or prepare therefrom gold, metals, precious stones or other valuable products or substances either in a finished, completed and refined state (and then hereinafter referred to as "finished products") or in an intermediate condition (and then hereinafter referred to as "intermediate products") and to erect such buildings or mining or metallurgical plant and carry on such operations as may be necessary or desirable for the purposes aforesaid;

4. Together with liberty for the lessee to remove, sell and dispose of the minerals found or raised on or in the mining block or the intermediate or finished products obtained or prepared therefrom;

5. To have and to hold the premises hereinbefore expressed to be hereby demised and granted unto the lessee, for the term of *thirty years* from the date of these presents;

6. Yielding and paying therefor during the said term an annual rent at the rate of one rupee per acre of the mining block, which rent shall be payable for each calendar year on or before the 31st day of December;

7. And yielding and paying on or before the 31st day of March

in every year all local cesses and other taxes or rates of every description for the time being payable in respect of the premises or lands within the mining block or of any buildings or works in or on the same;

8. And yielding and paying within the times set forth in the covenant by the lessee in this behalf hereinafter contained a royalty at the rates hereinafter mentioned on the gross value of all finished products obtained or prepared (whether by the lessee or by the purchasers of minerals or intermediate products from the mining block) from the minerals found or mined and raised on or in the mining block without any deduction for the cost of the processes employed (whether by the lessee or others) or any other deductions whatsoever, that is to say: on gold and silver, according to the rules and rates specified in Schedule B hereto annexed; on copper, tin, lead, zinc, bismuth, aluminium, mercury and mica, two and a half per cent.; on iron, one per cent; on precious stones, per cent; and on all other finished products, five per cent.;

9. And yielding and paying such dead rent not exceeding a rate of rupees five per annum per acre of the whole of the mining block as the lessors may, in the event of their being not satisfied with the operations conducted under the lease or with the results thereof, decide to levy for any particular years of the said term after the expiration of the first two years of it.

And it is hereby declared that the expression "the liabilities under this lease" shall hereafter include all the cesses, taxes, rates, royalties, rents, compensation, indemnities and other payments in this lease reserved and made payable by the lessee.

10. And the lessee hereby covenants with the lessors that the lessee will, within the space of one year from the commencement of this lease, start mining operations throughout the mining block to the reasonable satisfaction of the lessors;

11. And will, at all times during the said term of the lease, in the best and most effectual manner and without intermission, except when prevented by inevitable accident, search for and mine and raise all minerals on or in the mining block and obtain or prepare therefrom intermediate or finished products of a saleable nature;

12. And will, throughout the said term, keep all mines, buildings, pits, shafts, ladders, plats, sollars, timber, ropes, water-courses, air-gates, engines, machines, and other mining and metallurgical plant on or in the mining block in good repair, working order and condition;

13. And will within two years from the date of this lease provide, by the formation of a working company or otherwise, a sum (which shall in no case be less than ten thousand pounds sterling) sufficient for efficiently carrying on mining operations upon the mining block; but the lessors may at their discretion and if satisfied with the work done by the lessee extend the time allowed for the provision of such sum beyond the period of two years herein specified;

14. And will, if required, and before the sale thereof, deliver to or permit to be taken by the lessors or their agents, a sample or samples of all minerals found or mined and raised and all intermediate and finished

products sold or intended for sale, all such samples so taken when of intrinsic value to be paid for by the lessors at the current market rate ;

15. And will immediately after any sale of minerals or immediate or finished products, give to the lessors or their agents a return of the prices for which the same, respectively, shall have been sold, and, if required, the names of the purchasers thereof ;

16. And will, within ninety days after such sale or within one year from the time when any intermediate or finished products of a saleable nature may have been obtained or prepared, whichever shall first happen, pay to the lessors the royalties hereinbefore reserved ; provided that any royalty calculated upon net profits as hereinbefore and in Schedule B hereto provided shall be payable at the close of each calendar year and shall be paid within ninety days from the date upon which such net profits shall have been ascertained ;

17. And will pay all other liabilities under this lease as and when they respectively become payable ;

18. And will afford to the lessors every information concerning the mines and buildings and mining and metallurgical plant in or on the mining block, the mode in which operations are carried on, the minerals found or mined and raised on or in the mining block, the intermediate or finished products obtained or prepared therefrom, the persons employed by the lessee, and all other information connected with the mining block or the provisions of this lease, as the lessors may require ;

19. And will furnish, in such manner and to such persons as the lessors may, from time to time, direct, samples of all stones and rocks met with on or in the mining block with full details as to the locality and mode in which the same respectively were discovered and the dates of discovery ;

20. And will not assign or under-let or part with the possession of all or any of the rights, liberties, licences and premises by these presents demised and granted or any interest or share therein without the consent in writing, previously obtained, of the lessors ;

21. And will deliver to the lessors a copy of every assignment or under-lease of all or any of the rights, liberties, licences and premises by these presents demised and granted or any interest or share therein within two calendar months after the date of such assignment or under-lease ;

22. And will throughout the said term make and keep in some convenient place on the mining block and so that the lessors or their agents can have, at all times, free access thereto proper books of accounts in such form as the lessors may approve giving full and accurate particulars of the working and yield of all mines and mining and metallurgical plant in or on the mining block and the costs thereof and of the disposal of the minerals and intermediate and finished products found, mined, raised, obtained or prepared on, in or from the mining block with all particulars of quantities, dates and other facts and circumstances necessary or proper for ascertaining the exact value of such finished products and the finished products which can be obtained or prepared from such minerals and intermediate products and also correct maps, plans and sections of the mining block and of the mines and mining and metallurgical plant

therein or thereon upon such scale or scales and in such manner as the lessors may from time to time direct, showing as well the pits, shafts, drives, cross-cuts, winzes, rises, stopes, and other excavations, operations and works which have been carried on, as also all beds and veins and all faults and other disturbances which have been observed and encountered therein;

23. And will at his own cost, when required by the lessors or their agents, give them copies of all or any entries in the said books and of every such map, plan and section as aforesaid;

24. And will, at his own cost, when required by the lessors or their agents, furnish to them true and correct abstracts of all or any such accounts as aforesaid;

25. And will at all reasonable times allow such officers and persons as the lessors may in that behalf appoint to enter into and have free access to the place or places where the said books, maps, plans and sections may be kept in order to examine and inspect them, take copies thereof and make extracts therefrom;

26. And will, at the end or sooner determination of the said term, give up to the lessors the said books, maps, plans and sections in good and perfect condition;

27. And will, at his own expense, forthwith erect and at all times maintain and keep in repair such boundary marks and pillars as the lessors may require;

28. And will well and properly secure and keep open with timber or other durable means all pits and shafts to be sunk or made in the mining block and make and maintain sufficient fences round every such pit or shaft;

29. And will not, until the licence, in writing, of the lessors or their agents be obtained, wilfully close, fill up or choke any mine or shaft;

30. And will, throughout the said term, duly enforce in every part of the mining block such sanitary rules for the health and well-being of all persons employed by the lessee or who may be on the mining block or in its neighbourhood, as the lessors may, from time to time, prescribe;

31. And will, at any time or times when required by the lessors so to do, set apart and appropriate for free use by the lessors such lands forming part of the surface of the mining block as are in the opinion of the lessors suitable and sufficient for sites for villages, tanks, wells and other works for water supply, hospitals, sanitary works, Government offices, police stations and other buildings or works of public utility which are in the opinion of the lessors required for or in connection with the persons employed by the lessee or in work under or in connection with any contract made by the lessee or who are engaged in supplying the wants of those so employed and the families and dependents of such persons or in connection with the inspection of the mines or the prevention of crime; but the lessors will so far as is compatible with the objects aforesaid select the land to be so set apart and appropriated in such manner as not to interfere with the mining operations of the lessee, and will from time to time pay the lessee such sums of money as will reasonably indemnify the lessee for monies expended in buying surface

rights over any of the lands so set apart and appropriated and the cost of removal of any works carried on thereon ;

32. And will permit the lessors and their agents, servants and workmen, throughout the said term, to enter upon any part of the mining block above or below ground and inspect and examine the state and condition thereof and of the mines and buildings and mining and metallurgical plant therein or thereon and the mode in which operations are carried on and will further, with proper persons employed by the lessee, and acquainted with mining and metallurgical operations and with the engines, machinery, apparatus and other mining and metallurgical plant upon or within the mining block, effectually assist in the conduct of every such inspection and examination, affording all information required therefor ;

33. And will from time to time, and at all times during the said term hereby granted, conform to and observe all orders and regulations which the lessors, or their agents, duly authorised in this behalf, may, from time to time, see fit to issue and prescribe for the proper carrying on of all mining work and other operations within the mining block, or in the interests of the health, well-being and safety of persons employed by the lessee or who may be on the mining block or in its neighbourhood and also will without delay send to such officers as may be named for this purpose by the lessors a report of any accident which may at any time occur in connection with any mining or metallurgical operations in or on the mining block ;

34. And will in the exercise of the licence and liberties hereby granted abstain from entering upon the surface of any occupied Government land or of any Inam land comprised within the mining block without previously purchasing the rights or obtaining the consent of the occupant, holder or tenant of such land, by an instrument, in writing, duly registered, and if any damage or injury be caused to the surface of any such land by any operations carried on under this lease, will duly compensate the occupant, holder or tenant thereof for all such damage or injury ;

35. And will keep open and in no way obstruct any road, path or byway of any kind whatsoever now existing or which may hereafter be made on the mining block ;

36. And will permit the lessors or other persons authorised by them in that behalf to enter into and upon the mining block and to make upon, over or through the same such roads, tramways and railways as may in the opinion of the lessors be necessary or expedient for any purpose and to obtain from and out of the land such stone, earth and other materials as may be necessary or requisite for making, repairing or maintaining such roads, tramways and railways and to pass and to re-pass at all times over and along such roads, tramways and railways for all purposes and as occasion shall require ;

37. And will abstain from all interference with and will allow to the public and the lessors the free use of any tanks, watercourses, places of worship, sacred groves, burial-grounds or village sites for houses, which may now exist or may hereafter be set apart or appropriated as hereinbefore provided on the mining block ;

48. Provided also, and it is hereby agreed and declared, that if the lessee shall be desirous of determining the said term of thirty years hereby granted at the expiration of any year of the said term and of such desire shall give to the lessors six calendar months' previous notice in writing and shall pay the liabilities under this lease and perform and observe the several covenants and agreements herein contained and on the part of the lessee to be performed and observed up to the expiration of such year, then and in such case upon the expiration of such year the term hereby granted shall absolutely cease and determine;

49. Provided also, and it is hereby agreed and declared, that if the said term of thirty years hereby granted shall not, prior to the termination thereof by lapse of time, have been determined under the provisions hereinbefore contained, and if the lessee shall be desirous of obtaining a renewed lease of the licences, rights and liberties hereby granted for a further period of thirty years from the expiration of the term hereby granted and of such desire shall give to the lessors one year's previous notice in writing and shall pay the liabilities under this lease and perform and observe the several covenants and agreements herein contained and on the part of the lessee to be performed and observed up to the termination of the term hereby granted, then and in such case the lessors will, upon the request and at the expense of the lessee, execute and deliver to the lessee a renewed lease of the said premises for a further term of thirty years in such form and subject to such royalty and other payments and such covenants, agreements and conditions as the lessors may prescribe and the lessee shall at the same time execute and deliver to the lessors a counterpart of such renewed lease.

Schedule A.

Boundaries and area of the land comprised within the Mining Block.

Schedule B.

Royalty on Gold and Silver.

(1) No royalty shall be paid so long as the operations in connection with the mining block do not result in any net profits to the lessee.

(2) For each calendar year in which the operations result in a balance of net profit to the lessee, the rate of royalty shall be five per cent. of the gross sale value of the gold and silver.

(3) For each calendar year for which the net profits exceed the sum of £25,000, the lessee shall pay an additional royalty of five per cent. of all net profits in excess of £25,000;

Provided that in the case of the lessee being a duly registered company the words "*divisible profits*" may be substituted for "*net profits*" in this clause.

Note.—"*Net profits*" shall be the excess of income over legitimate working expenditure calculated for each calendar year separately; and "divisible profits" shall be "declared dividends," and bonuses and other payments made out of net profits to or on behalf of the shareholders, and interest on debentures.

British Indian Mining Leases.—Under the mining leases of the British Indian Government the rules which regulate the rents payable on mining areas, and the royalties or taxes imposed on mineral obtained or profit earned in mining, are thus set forth in the Act of 20th May 1899 :—

The maximum areas allowed to be taken up and held under one mining lease are, for—

Coal	2 square miles.
Mineral oil	1 ,, mile.
Gold and silver	160 acres.
Other metals	320 ,,

Precious stones—to be decided in each case on its merits.

The rent charged on areas leased for mining—

Coal . .	minimum dead rent	4 annas per acre.
Mineral oil .	,,	1 rupee ,,
Gold and silver	,,	1 ,, ,,
Iron . .	,,	1 anna ,,
Other metals .	,,	1 rupee ,,

Also in all cases a surface rent assessable under the revenue law of the province, or if no such rent is so assessable, the rate which will be fixed by agreement will be charged, subject always to a maximum of 1 rupee per acre.

The royalties and taxes on profits charged are, on—

Coal, exclusive of dust and coal used on the works—1 anna per ton.

Mineral oil—8 annas per 40 gallons, or 5 per cent. *ad valorem* on gross value.

Gold and silver—7½ per cent. on the net profits of each year.

Copper, tin, lead, and other metals—2½ per cent of the sale value, at the pit's mouth or on the surface, of the dressed ore or metal; convertible at the option of the lessee into an equivalent charge per ton to be fixed annually or for a term.

Precious stones—30 per cent. on the net profits of each year taken separately.

CHAPTER IV.

CEYLON.

Mining Industry.—The island of Ceylon is in its political constitution a Crown colony, and is thus entirely separated in its government from the Government of India. The principal mining industry of the island at the present time is the washing of alluvial gravels and river deposits for precious stones, which are occasionally obtained in considerable quantities and of much value. Also some deposits of coal, iron, and graphite are worked in the mountainous districts of the interior; but the mining industry of the island is not of great importance.

The Gemming Ordinance, 1890.—The conditions of the mining laws of Ceylon closely resemble those of India both in principle and form. Property in minerals is in all cases vested in the owner of the surface land, except where specially reserved to the Government. There does not appear to be any legislation relating to the search for or working of deposits of coal or base metals; but the Act known as "The Gemming Ordinance" of 1890, which (with modifications) is to the same effect as the Indian Government Act of 1899, provides that no person is to open, work, or use any mines of gold or silver, gems or precious stones without a licence from the Government, which is to be subject to a stamp duty of 5 rupees, and may be granted to any person establishing a *prima facie* right to enter on, open, work, and use a mine on the land for which the licence is applied (the word "land" being defined to mean every description of land not being the property of the Crown). Licensees may not employ any person in or about a mine without a written permit under the hand of the Government Agent, for which a fee of 75 cents has to be paid, and which shall be in force only for the current quarter in which it is issued. Exploring licences are issued in Ceylon, as in India, but appear, as there, to have little practical value, as the prospecting licence provides all that is necessary for the initial stages of the work, and gives

the right of obtaining a mining lease for a long period when required. Modifications of the terms of these agreements, regarding royalties payable and otherwise, are frequently made in individual cases, as may be necessary. The following are the usual forms :—

CEYLON PROSPECTING LICENCES.

Every prospecting licence shall contain such conditions as may in any particular case seem necessary, and shall in all cases contain the following conditions :—

1. The terms for which the licence shall be granted shall be one year or such shorter term as the applicant may desire. The licence may be renewed by the Government Agent for a further term not exceeding two years, whenever he is satisfied that the licensee has been prevented from completing his search of the land by any cause other than his own default.
2. A moderate rent not exceeding one rupee per acre shall be paid for the land covered by the licence.
3. The licensee shall pay a royalty at a rate not exceeding fifteen per cent. on the value of all precious stones won and carried away, and a royalty at the rate of ten per cent. on the value of all plumbago won and carried away, and a royalty not exceeding twenty per cent. of the value thereof as the Governor may determine in respect of all other minerals won and carried away over and above such quantity as the Government Agent, subject to the orders of the Governor, may allow to be taken free for the purposes of experiment.
4. No land in the occupation of any person shall be entered upon without the consent of the occupier, and no trees, standing crops or other private property shall be cut or in any way injured without the consent of the owner thereof.
5. The licensee shall make and pay reasonable satisfaction and compensation for all injury which may be done by him in the exercise of the power granted by the licence, and shall indemnify the Government against all claims which shall be made by third parties in respect of any such damage or injury.
6. The licensee shall not cut or injure any tree on unoccupied land without the permission of the Government Agent in writing.
7. Such licence cannot be assigned, nor can any right or interest thereunder be transferred, without the consent of the Governor.
8. In case of any breach on the part of the licensee of any of the five preceding clauses, the Government Agent may summarily revoke the licence, and thereupon all rights conferred thereby or enjoyed thereunder shall cease.
9. The licensee shall within six months next after the determination of the licence or the date of the abandonment of the undertaking, whichever shall first occur, securely plug any bores and fill up or fence any shafts, holes, or excavations that he may have made in the land, to such extent as the Government Agent may

require, and shall to the like extent restore the surface of the land and all buildings thereon which he may have damaged in the course of prospecting.

10. Should any question of dispute arise regarding the licence or any matter or thing connected therewith, or of the powers of the licensee thereunder, or the amount of payment of the rent or royalty made payable thereby, the matter in difference shall be decided by the Governor, and his decision shall be final.

On or before the determination of his licence, the licensee shall have a right, subject to the rules hereinafter contained—

(*a*) In the case of minerals other than precious stones, to a mining lease in accordance with the terms contained in rules for mining leases.

(*b*) In the case of precious stones, to the first offer of such mining lease as the Governor may think fit to grant.

Such leave may include so much land, whether comprising the whole or a part only of the area for which the prospecting licence was granted, as shall not exceed the area specified with respect to mining leases.

CEYLON MINING LEASES.

1. Every application for the grant of a mining lease shall be presented to the Government Agent in whose province the land or some part of the land with respect to which the lease is applied for is situate. The Government Agent shall forward the application through the Colonial Secretary to the Governor. The Governor may by general or special order require a deposit of money not exceeding one thousand rupees to be made by the applicant in any case or class of cases before the application is taken into consideration.

2. No mining lease shall be granted otherwise than with respect to Crown lands.

3. Every application for a mining lease shall contain :—

(*a*) The name, residence, and profession of the applicant.

(*b*) The name of the mineral or minerals for which the applicant intends to mine.

(*c*) A map of the area over which the proposed lease is to extend.

4. On receipt of any such application the Governor may, if the applicant is entitled to a lease under Rule 16, or if the Governor considers that the applicant should be granted a mining lease, grant the same in accordance with these rules over such one or more blocks, each exceeding ten acres in extent, and not exceeding one hundred acres in extent, as the Governor may think fit.

Provided that no mining lease shall be granted by the Governor under these rules so as to cause the total area held under mining leases by the lessee, or by those joined in interest with him, to exceed five hundred acres.

No such lease shall be executed until it has been approved by the Attorney-General or some officer of his department.

5. Without the previous sanction of the Governor, the length of a block shall not be allowed to exceed four times its breadth.

6. The term for which a mining lease may be granted shall not exceed thirty years, and no covenant for renewal may be inserted in the lease without the sanction of the Governor.

7. Every such lease shall contain such conditions and stipulations as the Governor may in each case consider necessary: but in every case shall contain the following conditions, namely:—

(*a*) The lessee shall pay a royalty at the rate specified in the lease, which rate shall be in the case of plumbago ten per cent. on plumbago of rupees three hundred a ton and upwards in value, a royalty of five per cent. on all plumbago below rupees three hundred a ton in value, and in the case of other minerals not exceeding twenty per cent. of the value thereof as the Governor may determine, until a mining lease has been obtained in respect of such minerals; but the lessee shall be entitled to require and obtain such lease for the term then unexpired of his original prospecting licence upon the terms mentioned.

(*b*) The lessee shall also pay for every year a rent at the rate of one hundred rupees per acre, provided that no lessee shall pay both royalty and rent in respect of the same lease, but only such one of them as may be of the greater amount.

(*c*) The lessee shall also pay for all land which he may be permitted by the Governor to take up, use, or occupy for building stores, machinery, etc., but not for mining purposes, a yearly rent not exceeding ten rupees per acre.

(*d*) The lessee shall, at his own expense, erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in a plan annexed to the lease.

(*e*) The lessee shall make and pay reasonable satisfaction and compensation for all injury which may be done by him in exercise of the powers granted by the lease, and shall indemnify Government against all claims which may be made by third parties in respect of any such injury.

(*f*) The lessee shall not injure or cut any tree reserved in the lease.

(*g*) Neither the lessee nor any person claiming through or under him shall assign the lease, or transfer any right or interest thereunder, or underlet the whole or any portion of the premises comprised in such lease, without the consent of the Governor has been first obtained.

(*h*) The lessee shall commence operations within one year from the date of the execution of the lease, and shall thereafter carry them on effectively in a proper, skilful, and mining-like manner, unless prevented by unavoidable cause.

(*j*) The lessee shall keep correct accounts showing the quantity and particulars of all minerals obtained from the mine and the number of persons employed therein, and also complete plans of the mines, which shall be kept up to within six months of date, and shall allow any officer authorised by the Governor in that behalf at any time to examine such accounts and plans, and shall furnish the Government Agent with such information

and returns in respect of the aforesaid matter as the Governor may prescribe.

(*k*) The lessee shall allow any officer authorised by the Governor in that behalf to enter upon the premises comprised in the lease for the purpose of inspecting the same.

(*l*) The lessee shall without delay send to the Government Agent a report of any accident which may occur at or in the said premises, and also the finding thereon of any minerals not specified in the lease.

(*m*) Should the rent reserved or made payable by the lease be not paid within two months next after the date fixed in the lease for the payment of the same, or should the royalty be not paid within two months after the date of the determination of the assessment, the Government Agent may enter upon the said premises and distrain all or any of the minerals or movable property therein, and may carry away or detain them until the rent or royalty due and all costs and expenses occasioned by the non-payment thereof shall be fully paid; and if any royalty or rent remain at any time unpaid for six calendar months after the date on which it is due, the Governor may determine the lease and the Government Agent may take possession of the premises comprised therein.

(*n*) In case of any breach on the part of the lessee of any covenant or condition contained in the lease, the Governor may determine the lease and the Government Agent may take possession of the said premises.

(*o*) At the end or sooner determination of the lease the lessee shall deliver up the several premises and all mines (if any) dug thereon in a proper and workmanlike state, save in respect of any working which the Governor may have sanctioned abandonment.

(*p*) Should any question or dispute arise regarding the lease of any matter or thing connected with the mines and minerals leased, of the working or non-working thereof, or the amount or payment of the royalty, or the rent reserved or made payable by the lease, the matter in difference shall be decided by the Governor, and his decision shall be final.

Mining Regulations.—There is also in Ceylon, as in India, a rather elaborate code of mining regulations in force, based on the British enactments in principle; and certificates of competency are required to be held by all persons in charge of boilers and machinery. The mining regulations are administered by a staff of mine inspectors appointed by the Government for the purpose.

CHAPTER V.

BURMA.

Mineral Products.—The provinces of Burma were added to the British possessions after the wars of 1852 and 1885. They are administered under the Government of India. The principal mineral products are tin, iron, petroleum, and precious stones, and generally the mining laws of British India govern the procedure in Burma. The property in minerals is, under certain restrictions in favour of the surface holder, reserved to the Crown, and licences to prospect for and work the same are granted by the Government at discretion to responsible persons or corporations.

Mergui Regulations, 1890.—In the Mergui district, in 1890, there came into force a code of regulations for working the local tin deposits, under which prospecting licences available for twelve months and mining leases for twenty-one years may be granted by the Deputy Commissioner, and no tin deposits are to be worked or tin prepared and made marketable except under such licences or leases. An annual rent of one rupee per acre of land occupied, and a royalty of three rupees per picul (133 lb.) on all tin smelted, are charged, and the concessionnaire is also subject to other rules and conditions, as set forth in the mining lease.

The Upper Burma Land and Revenue Regulations, section 31, provide that the right to all minerals shall be deemed to belong to the Government; but whenever, in the exercise of any such right, the rights of any person are infringed by the occupation or disturbance of any land, the Government shall pay, or cause to be paid, to that person, compensation for the infringement, and the amount of such compensation shall be determined by the Deputy Commissioner of the district, after hearing the parties interested.

Burma Ruby Mines Concession.—A concession was granted to the Burma Ruby Mines Company in 1889, expiring in 1932, for working the Government monopoly of rubies and sapphires,

at a fixed rental, the Government also receiving 30 per cent. of the net profits of the company from all sources derived. The lease to the company safeguards the rights of the local ruby-miners to work their claims on the old system, and also to acquire new claims, so long as they pay the prescribed royalties on the stones obtained, and observe the other conditions of their licences.

CHAPTER VI.

THE MALAY PENINSULA.

The Federated Malay States.—The mineral production of the Malay Peninsula is practically confined to the States of Pahang, Perak, Selangor, and Negri Sembilan, which are under British protection and are known as the Federated Malay States. These States are nominally under native rulers, but are in fact governed by the British Political Residents appointed to each native State and acting under the supreme control of the Government of Singapore. All power of dealing with mining rights and matters connected therewith is exercised by these Residents in their respective areas.

Tin and Gold Mining.—The principal mineral production of the Malay Peninsula is tin, of which these States produce nearly three-fourths of the world's output. Gold is worked to a small extent, and some other minerals have been reported, but do not appear to be at present worked. The tin-mining industry, which is almost entirely alluvial digging, has progressed greatly during the last few years, chiefly owing to the encouragement given by the Government to Chinese immigration.

Mine Tenure.—The system of mine tenure in the Malay States is largely one of concessions, which have been granted by the Government to responsible persons or companies; but small holdings corresponding to claims are also allowed under certain conditions to the miners of alluvial tin and gold. Prospecting licences are granted for six months over an area of half a square mile on payment of a fee of five dollars; and mining permits, allowing the holder the right to dig for gold and tin within a five-acre area, are granted at an annual ground rent of two dollars. The royalties payable are usually 5 to 10 per cent. on the value of the tin extracted, and from 2½ per cent. upwards on the value of the gold. In all instances the continuous working of the ground is insisted upon, and in cases where exemption from

the working conditions of a lease is granted very high fees are charged. Much of the Australian system of the conditions of tenure of mining ground appears to have been imported into the mining law of these provinces, where, especially as nearly all the miners are Chinamen, it does not appear to be very suitable; the Australian labour conditions are there (see section 16, iii. *b*, of the Act, and Schedule F), although greatly modified for the better by the provision that the employment of machinery may be substituted, in certain definite proportion, for human labour; also the Warden and the Warden's Court, in this case shorn of much of the local power of interference, are of Australian origin.

Pahang Mining Enactment, 1904.—The following is a series of extracts from the Mining Enactment of 1904, which repeals earlier legislation and embodies the present general mining law of the country, also a copy of the text of a typical mining lease as granted to an English company :—

EXTRACTS FROM THE STATE OF PAHANG MINING ENACTMENT, 1904.

3. In this Enactment and in any rules made thereunder the following terms shall, if not inconsistent with the context or subject-matter, have the respective meanings hereby assigned to them :

"State land" means all lands which have not been and may not hereafter be reserved for any public purpose, or which have not been and may not hereafter be leased or granted to or are not and may not hereafter be lawfully occupied by any person, and includes all lands which at the commencement of this Enactment may have become or which hereafter may become forfeited by reason of any breach of the conditions on which the same have been lawfully occupied, or which have been or may hereafter be surrendered to the State by the lawful owner thereof;

"Lease" means a lease of land for mining purposes issued by or under the authority of the Ruler of the State, and includes a lease for such purposes issued prior to the commencement of this Enactment;

"Occupier" includes every person registered in the land office as the lessee or sub-lessee of mining land under this Enactment;

"The Court" means the Court of the Senior Magistrate;

"Commissioner" means the Commissioner of Lands and Mines for the Federated Malay States;

"Collector" means any Collector or Assistant Collector duly appointed under "The Land Enactment, 1903";

"Warden" means a Warden of Mines appointed under this Enactment and includes Assistant Warden;

"Inspector" means an Inspector of Mines appointed under this Enactment.

4. Subject to the provisions of this Enactment the Resident may from time to time on behalf of the Ruler of the State lease State land for mining purposes for such terms as may be stated in the leases, and may direct whether the right to mine any such land shall be disposed of by public auction or tender or in compliance with an application lodged therefor or otherwise and whether premium shall or shall not be charged in respect thereof.

5. Any person wishing to apply for any State land for the purpose of mining must lodge in the land office of the district an application substantially in the form of Schedule B, setting out the position and the approximate area of such land and giving an address at which notices shall be served, and any notice served at such address shall be deemed to be duly served. Every such application must be accompanied by a deposit of money sufficient to cover the prescribed fees.

6. The Collector shall thereupon, if in his opinion the particulars contained in the application are sufficient, mark such application with a distinctive number and shall note thereon the day and hour of receipt and shall file the same in the land office and enter the particulars thereof in an index of applications to be kept in the land office. All applications shall be numbered and entered in the index according to the order in which the same are received, but so that priority of application shall give no claim or priority of claim to the grant of a lease.

7. Should an application be approved, permanent boundary marks shall be erected and the land surveyed.

9. (i.) Upon receipt of a certified plan showing the area of the land with the boundaries and abuttals of the same and the position of all boundary marks the Collector shall cause to be prepared a lease for the land in duplicate substantially in the form of Schedule D, with such plan delineated thereon. Upon the completion of the lease, the Collector shall cause to be served at the registered place of address of the applicant, and if possible upon such applicant personally, a notice substantially in the form (i.) given in Schedule E. In the event of the applicant failing to comply with the requirements of such notice within three months from the date of service thereof, it shall be lawful for the Collector to cancel such application, and, if a certificate has been issued under section 8, to cancel such certificate.

(ii.) Any applicant may at any time upon payment of all expenses cancel his application by a notice in writing addressed to the Collector.

10. Whenever any lease has been signed by the applicant in accordance with the provisions of the last preceding section, the Collector shall forward the same to the Resident in order that the same may be signed by him and the public seal of the State be affixed thereto, and, upon the return of the same duly executed, he shall cause to be served at the registered address of the applicant, and if possible upon such applicant personally, a notice substantially in the form (ii.) given in Schedule E. In the event of the applicant failing to comply with the requirements of such notice within three months from the date of service thereof, it shall be lawful for the Collector to cancel such application, and, if a certificate has been issued under section 8, to cancel such certificate, and the Collector shall return the lease to the Resident for cancellation.

Provisions as to Mining Leases.

15. Every lease shall vest in the lessee thereof, in the absence of any express provision to the contrary, the following rights, and such other rights, if any, as may be expressly set forth therein:—

(i.) The right to work all metals and minerals found upon or beneath the land, and, subject to the provisions of sub-section (iii.), to remove, dispose of, dress and treat the same during such term as may be mentioned in the lease;

(ii.) The right to use such portion of land as may be required for the purpose of erecting such houses, cooly lines, sheds, or other buildings, or of growing such plants or vegetables, or of keeping such animals and poultry, as may in the opinion of the Warden be reasonable for the purposes of the mine or for the use of the coolies;

(iii.) The exclusive right, subject to the provisions of section 16, sub-section (ix.), to all timber and other jungle produce upon the land, but no right to remove beyond the boundaries of the land for any purpose (excepting only for the extraction therefrom of any metal or mineral ore) any timber or other jungle produce or any granite, limestone, laterite or other stone, coral, shell, guano, sand, loam or clay obtained from the said land, or any bricks, lime or other commodities manufactured from the materials aforesaid, without licence granted under the provisions of "The Land Enactment, 1903," or any rules made thereunder.

16. There shall be implied in every such lease, in the absence of any express provision to the contrary, the following obligations on the part of the lessee, and such other obligations, if any, as may be expressly set forth therein:—

(i.) That the lessee will duly pay the quit-rent to the State at such time and place and in such manner as may from time to time be prescribed, and to such persons as may from time to time be authorised to receive the same;

(ii.) That all landmarks by which the boundaries of the land are defined shall be duly maintained and that all boundary lines shall be kept open;

(iii.) (*a*) That mining operations shall be commenced upon the land within a period of six months from the date of issue of the lease;

(*b*) That within a further period of six months there shall be at work thereon not less than such number of coolies as shall be mentioned in such lease, or labour-saving apparatus equivalent thereto calculated at the rate of one horse-power to eight coolies, the horse-power of such apparatus being determined in the manner prescribed by Schedule F;

(*c*) That thereafter the lessee shall not at any time during the term of the lease fail for a period of more than twelve consecutive months to substantially and efficiently carry on mining operations on the land or to keep at work thereon such number of coolies as shall be mentioned in the lease or labour-saving apparatus equivalent thereto calculated as aforesaid: provided always that the Resident may on payment of the prescribed fee grant exemption for a period of not more than six months from all or any of the obligations described in this sub-section, and

renewals of such exemption may, at the discretion of the Resident, be granted in the like manner;

(iv.) That if at any time there shall be discovered on any portion of the land which is in process of being worked for alluvial deposits any minerals in the form of lodes, beds, pockets, stockworks or similar formations, or any mineral oil, and the lessee be required, in writing by the Resident, to work the same, he shall commence to do so in a proper and workmanlike manner within twelve months from the date of the receipt of such requisition, and in default of so doing he shall be bound to surrender to the State, if so required, such portion of the land as the Resident may direct: provided that he shall receive reasonable compensation in respect of such loss or damage, if any, as may have been sustained by him in consequence of such surrender, but so that such compensation shall not include any sum on account of the value of any mineral deposit which he has so failed to work as aforesaid, and such compensation shall be assessed in the manner provided by Part VII. of "The Land Enactment, 1903";

(v.) That the lessee will carry on all his mining operations in an orderly, skilful and workmanlike manner, and will not cause danger or damage to the owners or occupiers of other lands;

(vi.) That the lessee will not use or permit to be used any portion of the land for any purposes other than those mentioned in section 15 without the written authority of the Collector;

(vii.) That all Government officers duly authorised in that behalf shall at all reasonable times have free access to the land and to all workings and buildings in or upon the same, and that all such officers as may be duly authorised by the Warden shall at all reasonable times have free access to the land for the purpose of making examination thereof by boring or otherwise and shall receive from the lessee all reasonable facilities for making such examination;

(viii.) That the lessee shall truly fill in, exhibit and cause to be maintained at the principal office or place of business on the land, and wherever the business of the mine is conducted and the coolies housed, a notice substantially in the form of Schedule G, and will also exhibit in a conspicuous place upon any specified buildings copies of such documents in such languages as may from time to time be required by the Warden;

(ix.) That the lessee will permit the taking and removal, without payment, from the land, by any person duly authorised by Government, of any earth, stone, gravel, timber and other road-making or building material which may be required by the State for any other purpose;

(x.) That the lessee shall cause to be kept true and sufficient books of account of the mining and other business carried on upon the land, and of the disposal of the metals and minerals obtained, and will, if so required, produce or cause to be produced such books for the inspection of the Warden or of any person duly authorised by him in that behalf;

(xi.) That the lessee shall allow over the land such access to adjoining land as shall not, in the opinion of the Warden, interfere with his rights under the lease;

(xii.) That the lessee will take all due and proper precautions and will comply with all such requirements of the Warden as may be necessary to ensure the health and safety of all miners and workmen employed on the land.

17. The obligations mentioned in the last preceding section shall continue binding on the lessee notwithstanding that he may have sub-leased the land or any part thereof and shall also be binding on the sub-lessee or sub-lessees of the land and any occupier thereof.

18. Breach of any of the obligations described in sub-section (iii.) of section 16, except in so far as exemption may have been granted by the Resident under the said sub-section, or of any obligation for breach whereof the lease may be expressed to be forfeitable, shall render the lease liable to forfeiture.

(ii.) If at any time the lessee shall during a period of two consecutive years fail to carry on mining operations, then, except as aforesaid, the lease shall without notice to the lessee be absolutely forfeited and the land comprised therein shall revert to and vest in the Ruler of the State.

19. The number of coolies required by the terms of any lease issued under this Enactment to be employed on the land leased thereunder shall not be less than one cooly to each acre of the said land.

20. In any case in which a lease has become liable to forfeiture under the provisions of this Enactment, such forfeiture may be enforced notwithstanding the fact that quit-rent may have been received in respect of the said lease, but, if the forfeiture is enforced, any quit-rent received in respect of the year in which the forfeiture is enforced shall be repaid to the lessee.

21. (i.) In any case in which there is reason to believe that a lessee has done or omitted to do something in consequence whereof his lease has become liable to forfeiture, it shall be lawful for the Collector, with the approval of the Resident, to serve on the lessee a notice, which may be substantially in the form of Schedule H, with such variations as circumstances may require, calling upon him within a period specified in such notice, but which shall not be less than one month from the service of the notice, to show cause to the satisfaction of the Resident why the lease should not be forfeited;

(ii.) If the lessee shall fail to satisfy the Resident that the lease ought not to be forfeited the Resident may, by notification in the *Gazette*, declare the lease to be forfeited and the land comprised therein shall thereupon revert to and vest in the Ruler of the State;

(iii.) The notice mentioned in sub-section (i.) shall, if possible, be served personally on the lessee, but, if personal service cannot be effected, the notice may be served by publication in at least three consecutive issues of the *Gazette*;

(iv.) In addition to such service as aforesaid, a duplicate of the notice mentioned in sub-section (i.) shall in every case be posted in some conspicuous position on the land comprised in the lease;

(v.) The provisions of this section shall not apply to the case of a lease forfeited under section 18, sub-section (ii.).

22. (i.) In every case in which a lease has been forfeited and the land comprised therein has reverted to and vested in the Ruler of the

State, a notice of such forfeiture, under the hand of the Resident, shall be published in the *Gazette*, and a duplicate thereof shall be posted in some conspicuous position on the land comprised in the lease;

(ii.) A copy of the *Gazette* containing such notice shall be conclusive evidence in every Court of Justice in the State that the said lease has been forfeited and that the land comprised therein has reverted to and vested in the Ruler of the State.

23. Any lessee desirous of obtaining a renewal of his lease may make a written application for renewal to the Collector at least twelve months before the expiration of the current term of such lease. A new lease shall thereupon be granted if the lessee proves to the satisfaction of the Resident that he has consistently complied with the obligations of his lease.

28. (i.) After the commencement of this Enactment all land held under any title to occupy land for mining purposes granted prior to such commencement, or under any such title granted after such commencement in pursuance of a promise made by the Resident before such commencement, or under a lease or certificate granted under this Enactment, shall be subject to this Enactment and shall not be capable of being transferred, transmitted, sub-leased, charged or otherwise dealt with except in accordance with the provisions of this Enactment, and every attempt to transfer, transmit, sub-lease, charge or otherwise deal with the same, except as aforesaid, shall be null and void and of none effect;

(ii.) The provisions of this section shall not apply to a sub-lease for a period not exceeding twelve months.

29. (i.) Any person wishing to transfer, sub-lease or charge his land shall deliver or transmit to the Collector of the district wherein the land to be transferred, sub-leased or charged is situated the document of title under which the land is held, together with a memorandum substantially in such one of the forms of Schedule J as the nature of the case may require and with such variations, if necessary, as the Collector may permit, filled in and duly signed by each of the parties thereto.

39. Every title to work mining land shall be subject to the land laws of the State for the time being in respect of the following matters, that is to say—

(*a*) Demarcation and survey;
(*b*) Collection of land revenue;
(*c*) Subdivisions of land;
(*d*) Loss of documents of title;
(*e*) Certified copies of documents of title;
(*f*) Acquisition of land for residential reserves or public purposes.

40. The Resident may from time to time by notification in the *Gazette* declare any area to be an area within which mining may be carried on under individual mining licence, and so long as any such notification remains in force it shall be lawful for the Collector to issue licences for individual mining within the area specified in such notification.

43. (i.) It shall be lawful for the Collector, with the approval of the Resident, to grant licences to prospect for metals or minerals, subject to such terms, conditions and limitations as are stated in this Part.

47. Every licence shall convey to the licensee the right to undertake and continue such work only as may in the opinion of the Warden be reasonably necessary to enable him to test the metalliferous qualities of the land.

48. It shall be lawful for the licensee to remove from the land and dispose of all metals or minerals raised in the course of prospecting operations upon payment of such royalty or export duty as may be fixed by any law for the time being.

49. A licence shall convey no permission to prospect lands other than State lands except with the consent in writing of the lawful occupier thereof, nor shall it entitle the licensee to enter upon any land which shall at the date of such licence be the subject of an application for a mining lease.

53 Every licence shall convey to the licensee the prior right to select and receive a lease for a block of mining land, of an area to be determined by the Resident and stated in the licence, from any part of the land being State land described in such licence, in the event of the Resident being satisfied that the licensee has done a sufficient amount of prospecting work to entitle him to such land; and shall also, in the absence of any express provision therein to the contrary, convey to the licensee the following rights and privileges and be subject to the following conditions:—

(i.) The exclusive right to prospect for metals and minerals within a specified area;

(ii.) No application for a lease lodged in respect of any land held under a licence shall be dealt with and no portion of such land shall be alienated for agricultural purposes until all rights of the licence in respect of such land shall have been satisfied;

(iii.) If upon the expiration of the term of any licence the licensee shall prove, to the satisfaction of the Resident, that he has completed a reasonable amount of prospecting and has otherwise in all respects complied with the conditions of his licence and the provisions of this Enactment, there shall upon his application and upon payment of the prescribed fee be issued to him a new licence in respect of any such part of the land comprised in the former licence as he may select, provided that such part shall not, except with the permission of the Resident, exceed one-half thereof; such new licence shall, unless the Resident otherwise direct, entitle the licensee, subject to the provisions of this Part, to select and receive a lease for a block of mining land of an area not less than that which he was entitled to select under the expired licence;

(iv.) The term of every licence shall be fixed by the Resident;

(v.) There shall be payable in respect of every licence the prescribed fees, together with the amount of all such reasonable expenses, if any, as may, in the opinion of the Collector, be necessary to defray the cost of fixing the position of the land to be included in such licence;

(vi.) A licence may at any time be cancelled by the Resident if the licensee shall have ceased altogether to work on the land comprised in the licence for a period to be fixed by the Resident and inserted in the licence.

PROVISIONS REGARDING WATER.

54. The entire property in and control of all rivers, streams and watercourses throughout the State is and shall be vested solely in the Ruler of the State, save in so far as such right may in any special case have been limited by any express grant made before the commencement of this Enactment.

58. (i.) It shall be lawful for the Warden to issue to any person who is working or is about to work any land for mining by virtue of any legal title, a licence to divert, make use of and deliver such water as is therein mentioned, in such places, by such means, in such manner, in such quantities and on such conditions as he may think fit.

64. (i.) It shall be lawful for the Resident to grant, for a stated period and purpose, to any person a licence to erect, cut or construct upon or through any State or alienated lands, to be described in such licence, any pump, line of pipes, flume, race, drain, dam or reservoir, and, subject to such conditions as may be specified therein, to take and use all water therefrom in such quantities and in such manner as in the opinion of the Resident may be necessary for the purpose of effectually working such lands as may be specified in such licence, and it shall be lawful for the licensee to enter upon such State or alienated lands for the purposes expressed in such licence, and to carry out all or any of the works thereby sanctioned, and to exercise all or any of the rights thereby granted: provided that he shall be liable to make compensation to the owner or lawful occupier of any alienated land upon which such work shall be carried out or such rights exercised.

65. The Resident shall have power at any time and without cause assigned to revoke or alter any licence granted by him in accordance with the provisions of the last preceding section, or to vary the terms and conditions thereof, upon payment to the licensee, his representatives or assigns, of compensation for any damage which he may sustain in respect of such revocation, alteration or variation.

71. It shall be lawful for an Inspector to give to any person who may be working or may be about to work any mining land such orders as may be necessary to ensure the effectual and economical working of the same. Any such order shall, if so required by such person, be in writing.

73. The manager of any mine may draw up a code of rules for the local government of such mine and its surrounding mining appliances and accessory works, and shall specify at the end of each clause the fine, or forfeiture, for the infringement of such clause. Any such code shall come into force upon being approved by the Resident in writing and shall cease to be in force so soon as the Resident shall in writing withdraw his approval thereof; and fines or forfeitures inflicted under any such code while in force shall be recoverable and enforceable by order of a magistrate in the same way as fines or forfeitures inflicted or adjudged by such magistrate, or such fines or forfeitures may be deducted by the manager of the mine from the salary of any servant or officer of the mine who has in the opinion of such manager become liable to pay the same, and any such person aggrieved by the decision of the manager may

thrown by upon land not included in this lease, except with the consent in writing of the person upon whose land such matter is thrown.

7. That no water will be diverted from any stream except with the consent in writing of the Inspector of Mines or other duly appointed Government officer, and then only in such quantity, and for such time, as may be approved by him.

8. That this land will not be used so as to be a source of danger, injury or obstruction to any public or private interest, *e.g.* by digging in dangerous proximity to neighbouring roads, mines or buildings, or by allowing water to accumulate without sufficient protection against its escape.

9. That during the said term will keep proper books of account of working of the mines, and of the disposal of the minerals obtained, and will permit any person appointed by the Government in their behalf to inspect and copy the said books, and any plans which may be made of the said mines.

10. That, in addition to the foregoing conditions, this lease be subject to the State Mining Regulations in force for the time being.

11. That this lease may be forfeited if fail to comply with clauses 1 and 5 of the foregoing conditions.

CHAPTER VII.

BRITISH NORTH BORNEO.

THE territory of British North Borneo occupies the extreme northern part of the island of Borneo, in the Malay Archipelago, and comprises the one-time Crown Colony of Labuan and the State of Brunei. South of this, the Dutch possessions cover the remaining two-thirds of the island. British North Borneo embraces about thirty thousand square miles of territory, and is administered by the British North Borneo Company, which was incorporated by royal charter in the year 1881. The coal-fields of the island of Labuan have been known and intermittently worked for many years, and the discovery of deposits of gold, silver, antimony, tin, quicksilver, and iron has been reported, and on the gold deposits some little prospecting work has been done, but apparently up to the present no great results have been obtained.

In the early days of the British North Borneo Company, a code of mining law was promulgated, which appears to have been based on Australian principles; but this has since been repealed, and an exclusive prospecting and mining concession has been granted to the British Borneo Exploration Company, and the coal of Labuan is worked under a concession to the Labuan Coal-fields Company.

CHAPTER VIII.

EGYPT.

Ancient Mining.—The mining of gold and other metals and minerals was carried on under the Pharaohs of ancient Egypt in the earliest times, when the mines, according to the accounts given by the ancient historical records of the tombs, appear to have been worked entirely by slave-labour under the most cruel conditions. Then, for some unknown reasons, most probably political, such as the conquest of the country by alien races and the consequent withdrawal of the guards, resulting in the escape or death of the prisoner workmen (certainly, as is now proved, not because of the exhaustion of the ore deposits), the mining industry sank into oblivion, and the very existence of mines in the country was forgotten.

Rediscovery of Mines in 1899.—In the year 1899 the author of this volume conducted an exploring expedition into the then almost unknown districts of Egypt lying between the river Nile and the Red Sea, which resulted in the rediscovery of many of these ancient mines, which have since then been reopened, with results that give promise of a new lease of life to this ancient mining industry under modern and happier conditions.

Characteristics of Egyptian Mines.—The country is one in which not only would the presence of the independent strolling prospector be most undesirable, on account of the peculiar characteristics of the natives, but it is also one in which no useful prospecting work can be done without the expenditure of considerable capital. The large and expensive camel transport required for all stores, provisions, and water over long distances of barren country, and the elaborate camp equipment necessary, would be quite beyond the prospector's reach; also, it is found that the whole country has been so thoroughly worked by the ancients that in no case have any outcrops of metalliferous veins remained untouched at the surface to afford work to the ordinary prospector.

Under these conditions, all exploration work assumes onerous proportions and entails great expense, a depth of several hundred feet, in some cases, having to be attained before the intact payable vein on which the ancient miners were working when their operations stopped can be reached.

Principles.—Under these conditions, the Egyptian Government very wisely decided to allot to responsible persons or corporations those parts of the country in which there appeared to be any prospect of the discovery of workable minerals in large prospecting areas, in some cases comprising several thousand square miles of country in each. These prospecting areas have usually been granted in the first instance for a term of three or four years free of rent, and, if a renewal has been required at the expiration of that term, work and all else being to the satisfaction of the Government, a renewal is granted on payment of an annual rental. The concessionnaire has the exclusive right of exploration for minerals within the allotted area, and of locating mining properties on any discoveries, at his discretion, during the tenure of his prospecting licence. On these properties he is entitled to take out mining leases, which are granted for a term of thirty years in Egypt and twenty-one years in the Sudan, renewable respectively for fifteen and twenty-one years, thus making the entire term of the Egyptian lease forty-five years, and that of the Sudan forty-two years. Further extensions would no doubt be granted if found necessary. Under the gold-mining leases a rent of two Egyptian pounds per feddan, or about £2 per acre, is charged in Egypt for the ground occupied by the mine and works, and £1 per acre in the Sudan; also in each case a royalty or tax of 10 per cent. of the distributable profits of gold-mining companies is payable to the Government. The terms for other minerals than gold ores will be found stated, as far as has hitherto been decided, in the subjoined transcripts of leases and licences. In the Egyptian mining law the concession system is represented in its most modern form, which admirably adapts itself to the exigencies of the country. The Government exercises a strict control over the formation and capitalisation of mining companies, and no transfer of property or of mining rights can be made unless all the details are previously submitted to the Ministry of Finance in Cairo for approval. One of the rules hitherto insisted upon has been that in no case shall the subscribed working capital of any company be less than one-third of the gross nominal capital.

The following is a copy of a prospecting licence granted by the Cairo Government in April 1900, and published in the *Journal*

Officiel du Gouvernement Egyptien, in the French language: hence the peculiar diction of the translation :—

EGYPTIAN PROSPECTING LICENCE.

Neither the extent of the prospecting areas nor the form of licence has been in all cases exactly alike, nor need they be so, in view of their temporary nature and the varied circumstances under which they are granted. All the probably metalliferous zones of country having now been leased out in these prospecting areas—at least in Egypt proper, where the prospecting mining districts are comparatively small—so the prospecting area licence presents little interest to any but the holder. The terms of one of these licences, now before the writer, issued by the Egyptian Government, will give a fair example of all. It reads as follows:—

"An Agreement entered into between the Egyptian Government, represented by His Excellency Mohamed Abani, Pasha, Minister of Finance, specially authorised for the present object at a Cabinet Council held , of the one part, and , represented by , of the other part.

"1. The is authorised to undertake at its own expense, risk and peril, and without any responsibility on the part of the Government, exploration work with a view to the discovery of metals, minerals and precious stones in the area described and marked in red on the accompanying plan.

"2. This exploration work must be carried on with a view solely to the discovery of mines and to ascertain their value; the concessionnaire is therefore forbidden to work the same, and is only authorised to proceed with extraction as far as the necessity and need of specimens or samples demands.

"3. The concessionnaire must, as soon as he can, advise the Minister of Finance of the existence and situation of any commercial substance that may be found during the explorations within the area and not included in this concession, and the Government reserves the right to work these mines.

"4. All antiquities of every description discovered by the concessionnaire within the area shall remain the property of the Government, and the concessionnaire must as soon as possible inform the Minister of any such discovery.

"5. The concessionnaire shall be entirely responsible to third parties for damage done to the property or for infringement of rights.

"6. The concession is valid for a period of years from and the Government undertakes not to grant to any other persons any similar concession within the area comprised in this concession during the above period of years.

"7. During the period stipulated in the foregoing clause 6 the concessionnaire shall at any time have the right to demand the granting of a definite mining lease within the area of one or several mines containing substances included in the present grant. This mining lease, the extent of which must be finally approved of by the Government,

shall be granted to the concessionnaire subject to the conditions generally imposed in all Government grants and which the concessionnaire hereby declares himself willing to accept. The concessionnaire shall pay to the Government an annual rental of two Egyptian pounds per feddan (equals £2, 1s. 0·3d. per 1·038 acre) for the entire surface for which he has received a mining lease. The duration of this mining lease shall be for thirty years, with a possible prolongation for another fifteen years. An annual tax or royalty of ten per cent. of the net profits of the mine will be imposed.

"8. In order to guarantee the carrying out of this concession the shall deposit in the treasury of the Minister of Finance before the as security the sum of one thousand Egyptian pounds in gold, on which no interest shall be payable.

"9. Should the concessionnaire not avail himself of the option granted him by clause 7, to take out a mining lease, the present concession shall come to an end on the , and the Government will then be free to act as it chooses, and the deposit, after deducting expenses, damages or fines, if any, shall be returned to the concessionnaire.

"10. This concession is granted to the only, and cannot be transferred to a third party, in whole or in part, without the previous written authorisation of the Government.

"11. The concessionnaire undertakes to expend on works and expenses of every kind required for the explorations in connection with the substances forming the object of this concession a minimum sum of £E. which he undertakes to expend during the years mentioned in clause 6 as above, and such expenditure shall be accounted for in accounts which must be regularly kept and to which the Government shall have the right of access.

"12. On the expiration of this concession or in case of renunciation by the concessionnaire of his rights under the same, if he can show that he has expended the above sum of £E. in the work of exploration, his deposit of one thousand Egyptian pounds shall be returned to him. In the contrary case the deposit will become the property of the Government.

"Signed, sealed, etc."

Under clause 7 of the prospecting licence the concessionnaire has the right, under certain circumstances, to demand and receive from the Government a mining lease for his selected ground. The following is a copy of such a mining lease, which has been granted to the company holding the above-quoted prospecting licence, and it may be taken as a standard form which is not likely to be altered in any of its essential particulars:—

EGYPTIAN MINING LEASE.

Preamble, defining the contracting parties.

1. The Egyptian Government hereby grants unto the company full and exclusive rights at all times during the term of thirty years from

the day of 19 to search for, dig, mine, get, and make marketable and carry away all and every sort of metals, minerals and precious stones in and vertically under any or every part of the piece of land described in the schedule hereto annexed, being thereon coloured red, with all such powers of sinking shafts, driving headings, making watercourses or wells, laying down tramways, making roads, and erecting or constructing machinery, buildings, or other works upon the scheduled land, as may be necessary or proper for taking full advantage of the concession hereby created.

2. The company shall in respect of each year of the said term pay to the Egyptian Ministry of Finance in advance on the day of in each year a rent of pounds Egyptian. (This rental is assessed at the rate of £E.2 per feddan, or about £2 per acre of surface.)

3. The company shall also pay to the said Ministry in respect of each year of the said term a royalty or further rent equal to one-tenth of the annual distributable profits arising under or in connection with the concession hereby created (hereinafter called the concession).

For this purpose the distributable profits shall include all sums divisible in respect of such year amongst the shareholders, whether as dividend, bonus, or otherwise, all sums paid as interest on debentures, any share in the profits paid or payable to the officers of the company or to debenture-holders, mortgagees, or other persons whatsoever, and the sum payable to the Government under the present clause.

The royalty or further rent payable under the present clause shall be paid as, but before, the profits are distributed.

4. If at the expiration of the term hereby created the company shall be carrying on work in a normal and business-like manner under the concession, and the concession shall not at that time be liable to be declared void under any of the provisions of this agreement, and the company shall have given to the Minister six calendar months' notice in that behalf, then the concession hereby created shall be continued for a further period of fifteen years under and subject to the same rents, conditions and provisions.

5. The benefit of the agreement shall not be assigned by the company without the consent in writing of the Minister, such consent not to be unreasonably withheld.

6. The company shall at all times during the term hereby created prepare and keep correct and proper plans and sections of all their workings within the land included in the concession and of the actual condition of such land and of the mines thereon, such plans to be on such a scale and in accordance with such directions as the Minister or any officer duly authorised by the Minister in that behalf shall from time to time direct.

7. The company shall within one calendar month of the end of each year of the term deliver to the Minister or to any officer appointed by him in that behalf two copies of such plans and sections.

8. The company shall keep all proper or usual books of account and all other books necessary or proper for showing the work done by the

company under the concession and the profits arising thereunder or in connection therewith.

9. All plans and books of account or other books kept by the company in satisfaction of the provisions of clauses 6 and 8 shall be open at all reasonable times to the inspection of an agent or agents of the Minister duly authorised in that behalf. Such agent or agents may take copies of any plans or from any books open to his or their inspection.

10. Within three calendar months of the termination of each year the company shall present to the Minister an account extracted from the books of the company, certified by a firm of auditors of repute, showing with all needful particularity the financial position of the company so far as is necessary for the purposes of this agreement. The certificate of the auditors shall be required to vouch that the books appear to have been properly kept, and that the account has been properly extracted from the books.

11. The agent or agents of the Minister duly authorised thereto may at all reasonable times enter into and upon the land included in the concession and the mines and workings thereon and the works belonging thereto, and may make surveys or plans thereof, and shall for such purposes be at liberty to use the machinery and plant of the company and shall be effectually assisted by the agents, workmen, and servants of the company.

12. The company shall at all times while work is being carried on under the concession employ on the spot a competent manager. The name of such manager shall, upon his appointment, be forthwith notified to the Minister.

13. The company shall at all times carry on operations under the concession in a continuous and business-like manner. Provided that if it be established that owing to climatic or other conditions it is only possible to carry on operations under the concession advantageously during a part of the year, the Minister shall exempt the company from carrying on operations during the part of the year during which operations cannot be advantageously carried on.

14. The company shall promptly and regularly pay all taxes and dues already established or which may hereafter be lawfully established, to the payment of which the company shall be liable, and nothing in the present agreement shall be interpreted as limiting the right of the Government hereafter to establish or impose any tax or due within its competence, or as exempting the company from the obligation to pay the same.

15. The Government reserves to itself the right to make by decree, decision of the Council of Ministers, or ministerial order of the competent Minister made with the approval of the Council of Ministers, all such regulations for mining operations in the Eastern or Western Desert, as to sanitary matters, modes of working, the enclosure or fencing of shafts or machinery, disposal of waste matter, the housing of workmen and all similar matters, as it may deem necessary or proper in the interests of the health, safety, or comfort of the persons, whether workmen or others, engaged in or about such operations, or of the neighbouring population, and all such regulations which shall be made from time to

time shall so long as they remain in force be deemed to form an integral part of this agreement, and the company shall and will strictly conform with the provisions thereof, notwithstanding the fact that but for the provisions of this clause it might be outside the competence of the Government to enforce the application of all or any such provisions as against persons entitled in Egypt to the benefit of the capitulations. Provided nevertheless that, save so far as the provisions of such regulations would be enforceable against the company in the absence of the present clause, neither the Government nor any third person shall, in the event of any failure on the part of the company to fulfil any obligation imposed on it by such regulations, be entitled to any remedy against the company in respect thereof other than the remedy or remedies to which the Government or such other third person would have been entitled if such obligation had been imposed on the company by an express provision of this agreement.

16. The company shall repay to the Government, on demand, all expenditure incurred by the Government in maintaining public order and carrying out sanitary regulations upon or in the neighbourhood of the land included in the concession, so far as such expenditure is rendered necessary or increased by the operations of the company or by the presence of the agents or workmen of the company upon or in the neighbourhood of such land. The decision of the Minister as to the amount of such expenditure shall be final, and the Government shall be the sole judge as to the police and sanitary measures required. Provided always, that the Government shall incur no liability towards the company in the event of the police measures being insufficient for the maintenance of public order.

17. All antiquities found by the company in the course of its workings shall be the property of the Government, and shall be taken to the office of the company at the mines, to be there at the disposal of the Government.

18. At the expiration by effluxion of time of the term hereby created, the company shall be allowed a period of three calendar months in which to remove its plant and other property from the land included in the concession, and all such plant, buildings, and other property as shall at the end of three calendar months remain upon such land shall become the absolute property of the Government without any payment or compensation to the company in respect thereof.

19. Such of the provisions of this agreement as relate to the financial relations between the Government and the company shall, after the expiration of the term hereby created by effluxion of time, continue in force so long as shall be necessary for the purposes of the final settlement between the Government and the company.

20. The company may at any time terminate the present agreement by giving to the Minister six months' notice in writing in that behalf. Such termination shall be without prejudice to any claim against the company which shall have accrued to the Government under the provisions hereof prior to the expiration of such notice. All buildings, plant, and other property left upon the land included in the concession at the time of the termination of this agreement under the present clause

shall, in the absence of agreement to the contrary, become the absolute property of the Government without any payment or compensation to the company in respect thereof.

21. If there shall be a breach of any condition or provision of this agreement by the company, or if the company shall fail to pay any rent or other sum when the same shall become due and the company shall not remedy such breach or pay such rent or other sum within three calendar months from its receiving notice in writing from the Minister so to do, or if the company shall purport to assign the benefit of this agreement without the written consent of the Minister, or if the company shall without the written consent of the Minister wholly discontinue operations under the concession during a continuous period of six calendar months, then the concession may be declared void by the Minister, without prejudice to any claim against the company which shall have already accrued to the Government under the provisions hereof. The decision of the Minister voiding the concession shall be sufficiently notified to the company by its publication in the *Journal Officiel du Gouvernement Egyptien*, and shall operate to vest in the Government all the plant, buildings, and other property of the company in connection with the concession in the land included therein, without any payment or compensation to the company in respect thereof.

22. Subject to the provisions hereinbefore contained, the company will upon the determination by effluxion of time or otherwise of the term hereby created deliver up peaceable possession of the land included in the concession to the Government or to any officer appointed by the Government to receive possession thereof.

23. All notices intended for the company shall be sufficiently served if given to the manager at the mines or left at any office established by the company in Cairo or if sent by registered post to the registered office of the company in London or elsewhere, and in the last-mentioned case a letter shall be deemed, until the contrary is shown, to have arrived in due course of post.

24. Nothing herein contained shall be construed as vesting in the company the ownership of any land to be occupied by it.

25. Where the context so permits, the words "the company" shall include the company and its authorised assignees, and the servants, agents, and workmen of the company or such assignees.

Signed, sealed, etc.

The Government of the Egyptian Sudan, whose jurisdiction extends south from the 22nd parallel of north latitude, and whose headquarters are established at Khartoum, has also issued a number of prospecting licences which are in their essential characteristics very similar to those of Egypt. These are drafted in the English language and published in the Official Journal of the Sudan at Khartoum. The Sudan prospecting licence is drafted in greater detail and in a more perfect form than that issued by the Cairo Government. The following is a copy of the present standard form :—

SUDAN PROSPECTING LICENCE.

Agreement made in duplicate the day of one thousand nine hundred and between His Excellency Major-General Sir Francis Reginald Wingate, K.C.B., K.C.M.G., D.S.O., A.D.C., Governor-General of the Sudan and Sirdar of the Egyptian Army, acting in his capacity of Governor-General (hereinafter called the Governor-General, which expression shall include where the context so admits his successors in office and assigns), of the one part, and (hereinafter called the licensee, which expression shall include where the context so admits the licensee, his assignees and his or their legal representatives and the servants, agents or workmen of the licensee or of such assignees or representatives) of the other part, whereby it is agreed as follows:—

1. The licensee is authorised during a period of commencing on the 1st day of one thousand nine hundred and and expiring on the one thousand nine hundred and to prospect at own risk and peril and without any responsibility on the part of the Government for metals, minerals and precious stones within the district specified in the first part of the first schedule hereto, except the lands specified in the second part of the same schedule otherwise than with such consent as is therein stated.

2. The licensee shall despatch a thoroughly equipped prospecting expedition accompanied by at least one qualified mining engineer to prospect the district comprised in this licence. Such expedition shall begin work within the said district before the first day of one thousand nine hundred and , and shall prospect the same in a business-like way and shall cost at least the sum of Egyptian pounds.

3. Upon the expiration of the said period of , if the said licensee shall have performed and observed the provisions herein contained and shall satisfy the Governor-General of ability to continue to do so he shall be entitled to a renewal of this licence for a further period of three years from the day of , one thousand nine hundred and to the following extent and subject to the following conditions:—

(*b*) The licensee shall carry on prospecting work within the district comprised in the licence in a business-like way and shall expend on such work during the said periods of three years at least the sum of Egyptian pounds, of which at least the sum of Egyptian pounds shall be spent in each year.

4. No mine shall be opened under the licence to prospect hereinbefore granted nor any metals or minerals be removed further than may be necessary or proper in the usual and business-like prosecution of operations for testing the existence, extent and richness of the mine.

5. During the continuance of this licence (which expression shall throughout this licence include where the context so admits the licence for the original term granted in clause 1 and any renewed licence granted hereunder) the licensee shall have the right at any time, subject to the conditions contained in the second schedule hereto, to apply for

and receive from the Governor-General a mining lease or mining leases of any areas within the district comprised in this licence in which metals or minerals of commercial value or precious stones have been found.

6. The Governor-General shall not during the continuance of this licence grant to any person or persons, company or companies a similar licence within the district comprised in this licence.

7. The licensee shall during the continuance of this licence pay to the Sudan Government the following rent, namely, .

8. The licensee shall on the 31st day of August in every year during the continuance of this licence, or as soon thereafter as is possible, submit to the Sudan Government an account of the money expended in prospecting work under this licence during the preceding twelve months and such account shall be certified by the licensee and shall, if required by the Sudan Government, be audited at the licensee's expense by an auditor appointed by the Government.

9. All antiquities of whatever nature which may be found by the licensee within the district comprised in this licence shall be the property of the Sudan Government, to whom the licensee shall as soon as possible report their discovery.

10. The licensee shall notify to the Government the names of his prospectors previously to their entering the prospecting district and the proposed route to be taken by them, and shall permit any official authorised by the Sudan Government to inspect any work which may have been executed or is in progress under this licence.

The licensee shall obey all directions which the local officials of the Government may deem necessary for the good order of the district, notwithstanding that such directions may temporarily limit or derogate from the rights expressed to be granted under this licence.

The licensee shall not interfere with any mining operations carried on by natives in places where the same have been customarily carried on by them previously to the granting of this licence, nor with any customary or tribal right or privilege, although such operations are not legally authorised or such right or privilege is not legally valid.

The licensee shall repay to the Government on demand all extra expenditure for police purposes which the Government shall incur by reason of the presence or operations of the working parties of the licensee in the district comprised in this licence. The Government shall in no case incur any responsibility in respect of the safety of the working parties of the licensee or of property, nor in respect of the failure of the Government to take police measures or the insufficiency of any police measures taken by it.

11. The licensee shall provide the Sudan Government with correct copies of all topographical maps and observations which may be made by of the prospecting area.

And upon the expiration or determination of this licence, if he shall not have taken up any mining areas under the same, he shall supply the Government with correct copies of all reports made by his prospectors on the area comprised in this licence.

12. The benefit of this licence shall not be transferred, nor sub-let, whether in whole or in part, without the consent in writing of the

Governor-General, nor shall any sub-licence for prospecting be granted without the like consent.

In the event of a proposed transfer of the benefit of this licence or of any interest thereunder to a company the licensee shall supply the Government with copies of all prospectuses issued with reference to such companies, and if such transfer is effected, with the reports and annual accounts of the directors.

13. The licensee having deposited a sum of pounds with the Sudan Government as security that he will pay all sums becoming due from to the Government and will observe and perform the conditions and provisions of this licence, in the event of failing to pay any such sum after being called on to do so, the sum so deposited may be applied by the Government in making good such neglect, and when and so often as it shall be so applied the licensee shall pay to the Government a sufficient sum to make up the deposit to its original amount; and in the event of the licensee failing to observe or perform any covenant or condition other than for the payment of money the sum so deposited shall become forfeitable to the Government.

14. If at any time any question or dispute arises regarding the boundaries, situation or extent of the prospecting area, the same shall be referred, at the option of the Governor-General, to a Government surveyor or other competent person nominated for the purpose by the Governor-General, and his decision shall be final, and the licensee shall pay to the Government all expenses reasonably incurred on surveys or otherwise with reference to such decision.

15. The licensee may at any time surrender the present licence by written notice given to the Governor-General in that behalf. Such surrender shall be without prejudice to any claim against the licensee which shall have accrued to the Government under the provisions hereof prior to the giving of such notice, and in particular, without prejudice to the right of the Government to retain or reserve any rent already paid or then due and payable under the terms of the licence.

16. If there shall be a breach of any condition or provision of this agreement by the licensee, or if the licensee shall fail to pay any rent or other sums when the same shall become due, or if the licensee shall without the written consent of the Governor-General purport to assign the benefit of this agreement whether in whole or in part or to grant any sub-licence for prospecting, then this licence may be cancelled by the Governor-General without prejudice to any claim against the licensee which shall already have accrued to the Government under the provisions hereof; provided that in case of failure to pay any rent or other sum or of a remediable breach of a condition or provision independent on time such cancellation shall not be effected until after the Governor-General has given notice to the licensee requiring to pay such rent or sum, or to remedy such breach, and the licensee has failed to do so within three calendar months of receiving such notice. The decision of the Governor-General effecting such cancellation shall be final and without recourse, and shall be sufficiently notified to the licensee by its publication in the *Sudan Gazette.*

17. All notices intended for the licensee shall be sufficiently served if left at or sent by registered post to the address above mentioned or at or to any other address notified to the Governor-General by the licensee, and any letter sent by registered post shall, until the contrary is shown, be deemed to have arrived in due course of post.

In Witness whereof the parties hereto have hereunto set their names the day and year first above written.

THE FIRST SCHEDULE.

PART I.—*The Prospecting District.*

(Here the situation of the area and its boundaries are described.)

PART II.—*Land Excepted from the Prospecting District.*

(A) Land in private tenure except with the consent of the owners and occupiers.

(B) Land within 100 yards of any inhabited house except with the consent of the owner and occupier thereof.

(C) Land within 100 yards of any public buildings, railway, road, canal or other public work, or ancient or modern monument, or place of burial, where now existing or hereafter constructed or made, except with the consent of the Governor-General.

THE SECOND SCHEDULE.

Conditions as to the Mining Leases.

1. Every application for a mining lease must be made in writing and contain a plan of the area applied for drawn to scale and a statement of the following particulars :—

(A) The position, boundaries and area of the land in respect of which the application is made.

(B) Whether and to what extent the land in respect of which the application is made is land of private tenure or is occupied in any way.

(C) The metals, minerals and precious stones for which the licensee intends to mine.

2. The licensee shall previously to making his application erect at each angle of the area applied for a beacon of stone not less than two feet in diameter and standing not less than four feet above ground, and shall maintain such beacons at his expense until the application has been granted or refused.

3. Upon receipt of an application for a mining lease the Governor-General may, if he thinks necessary, cause the area applied for to be surveyed at the expense of the licensee.

4. No single mining area shall exceed in extent the following :—

In the case of a lease for non-alluvial gold	64 hectares =	160 acres.
For silver	64 hectares =	160 „
For any other metal	128 hectares =	320 „
For oil	256 hectares =	640 „
For coal.	512 hectares =	1280 „

In case of a lease for any other mineral or precious stones the extent of the area shall be fixed by the Governor-General.

Each mining area shall be rectangular in shape and its length shall not exceed four times its breadth unless otherwise agreed.

Each mining area shall be comprised in a separate lease.

If space is left between any two mining leases for the same metal or mineral, the space must be at least sufficient for the grant thereout of a mining lease for the said metal or mineral of the size and shape hereinbefore mentioned.

5. The term of a lease will be twenty-one years, renewable at the option of the lessee for a further period of twenty-one years upon the terms which are then generally applicable to new Government leases, if it be shown to the satisfaction of the Government that the mine or mines is or are being worked in a normal condition and in every way in accordance with the terms of the concession.

6. There shall be payable to the Government in advance in each year a fixed yearly dead rent at the following rate for each hectare of the area comprised in the lease :—

In the case of a lease for gold .	250 piastres tariff = £1 per acre.
For silver	250 piastres tariff.
Any other metal	250 piastres tariff 5 milliemes.
Oil	62 piastres tariff 5 milliemes.
Coal	30 piastres tariff.

For precious stones or any other mineral the rate to be fixed by the Governor-General.

7. There shall further be payable to the Government in respect of each year of the lease a royalty of one-tenth of the annual distributable profits arising under or in connection with the concession. For this purpose, if the benefit of the concession shall be vested in a company, the distributable profits shall include all sums divisible in respect of such year amongst the shareholders of such company (exclusive of profits, if any, arising from any source entirely outside the concession) whether as dividends, bonus or otherwise, all sums paid as interest on debentures or borrowed money, any share in the profits paid or payable to the officers of the company or to debenture-holders, mortgagees or other persons whatsoever, and the sum payable to the Government under the present clause.

8. The lease shall contain such other conditions and provisions as in the opinion of the Governor-General may be necessary or proper for securing the continuous and business-like working of the mine, for protecting and enforcing the rights of the Government and of third parties, and for enabling metals and minerals and precious stones which are excepted from the lease or situated on or in other lands to be conveniently worked.

In the mining lease issued by the Sudan Government, of which a copy is here quoted, the royalty or tax on profits in the case of gold-mining is the same as that imposed by the Egyptian Government, but the rental of the ground in the Sudan is only one-half

of that charged in Egypt. There is also in the Sudan law a differentiation with regard to the specific metal or mineral mined, in the size and rental of areas granted under a mining lease, which, in the case of complex ores, such as combinations of copper with gold and silver in the same mineral, would be extremely difficult to judiciously enforce.

On the whole, the mining laws of Egypt and the Sudan appear to be assuming a form which, if carefully conserved from the attentions of hasty reformers, will leave little or nothing to be desired.

SUDAN MINING LEASE.

Agreement under seal made the day of between His Excellency Major-General Sir Francis Reginald Wingate, K.C.B., K.C.M.G., D.S.O., Governor-General of the Sudan and Sirdar of the Egyptian Army (hereinafter called "The Governor-General," which expression shall include, where the context so admits, his successor in office and assigns), of the one part and (hereinafter called the Company) of the other part, whereby it is agreed as follows:—

1. The Governor-General hereby grants unto the Company full and exclusive right at all times during the term of twenty-one years from the day of to search for, dig, mine, get, make merchantable and carry away, all and every sort of metals, minerals and precious stones in and vertically under any or every part of the piece of land described in the schedule hereto annexed and shown on the plan hereto annexed, being thereon coloured red, with all such powers of sinking shafts, driving headings, making watercourses or wells, laying down tramways, making roads and erecting or constructing machinery, buildings or other works upon the scheduled land as may be necessary or proper for taking full advantage of the concession hereby created.

2. The Company shall in respect of each year of the said term pay to the Sudan Government in advance on the day of in each year a rent of . Provided that the Company shall not be bound to pay in any one year both the rent payable under this clause and the royalty payable under the next, but only such one of them as is the greater.

3. The Company shall also pay to the Sudan Government in respect of each year of the said term a royalty or further rent equal to one-tenth of the annual distributable profits arising under or in connection with the lease hereby created (hereinafter called "the concession"). For this purpose the "distributable profits" shall include all sums divisible in respect of such year amongst the shareholders, whether as dividend, bonus or otherwise, all sums paid as interest on debentures or borrowed money, any share in the profits, paid or payable, to the officers of the Company or to debenture-holders, mortgagees, or other persons whatsoever, and the sum payable to the Government under the present clause.

The royalty or further rent payable under the present clause shall be paid as but before the profits are distributed. Provided that if in any year interest on debentures is paid otherwise than out of current or accumulated profits, any sum payable to the Government as royalty in respect of such interest may be carried forward by the Company as a debt due to the Government, to be paid so soon as there shall again be profits available out of which it can be paid.

4. If at the expiration of the term hereby created the Company shall be carrying on work in a normal and business-like manner under the concession and the concession shall not at that time be liable to be declared void under any of the provisions of this Agreement and the Company shall have given to the Governor-General six calendar months' notice in that behalf, then the Company shall be entitled to obtain a renewal of the concession for a further term of twenty-one years upon the terms which are then generally applicable to new Government mining concessions.

5. The benefit of this Agreement shall not be assigned by the Company whether in whole or in part except with the consent in writing of the Governor-General, such consent not to be unreasonably withheld.

6. The Company shall at all times during the term hereby created prepare and keep correct and proper plans and sections of all their workings within the land included in the concession and of the actual condition of such land and of the mines therein, such plans to be on such scale and in accordance with such directions as the Governor-General or any officer duly authorised by the Governor-General in that behalf shall from time to time direct.

7. The Company shall within one calendar month of the end of each year of the term deliver to the Governor-General or to any officer appointed by him in that behalf two copies of such plans and sections.

8. The Company shall keep all proper or usual books of account and all other books necessary or proper for showing the work done by the Company under the concession and the profits arising thereunder or in connection therewith.

9. All plans and books of account or other books kept by the Company in satisfaction of the provisions of clauses 6 and 8 shall be open at all reasonable times to the inspection of an agent or agents of the Governor-General duly authorised in that behalf. Such agent or agents may make copies of any plans or from any books open to his or their inspection.

10. Within three calendar months of the termination of each financial year the Company shall present to the Governor-General an account extracted from the books of the Company, certified by a firm of auditors of repute, showing with all needful particularity the financial position of the Company so far as is necessary for the purposes of this Agreement. The certificate of the auditors shall be required to vouch that the books appear to have been properly kept and that the account has been properly extracted from the books.

11. The agent or agents of the Governor-General duly authorised thereto may at all reasonable times enter into and upon the land

included in the concession and the mines and workings thereon and the works belonging thereto, and make surveys or plans thereof, and shall for such purposes be at liberty to use the machinery and plant of the Company and shall be effectually assisted by the agents, workmen and servants of the Company.

12. The Company shall at all times while work is being carried on under the concession employ on the spot a competent manager. The name of such manager shall upon his appointment be forthwith notified to the Governor-General.

13. The Company shall at all times carry on operations under the concession in a continuous and business-like manner. Provided that if it be established that owing to climatic or other conditions it is only possible to carry on operations under the concession advantageously during a part of the year, the Governor-General shall exempt the Company from carrying on operations during the part of the year during which operations cannot be advantageously carried on.

14. The Company shall erect at each angle of the land included in the concession stone or brick boundary beacons not less than two feet in diameter and standing not less than four feet above the ground and shall at all times keep up and maintain the same in good repair.

15. The Government reserves to itself the right to make all such regulations for mines and mining operations within its territory as to sanitary matters, modes of working the enclosure or fencing of shafts or machinery, disposal of waste matter, the housing of workmen and all similar matters as it may deem necessary or proper in the interests of the health, safety or comfort of the persons whether workmen or others engaged in or about such operations or of the neighbouring population.

16. The Company shall repay to the Government on demand all expenditure incurred by the Government in maintaining public order and carrying out sanitary regulations upon or in the neighbourhood of the land included in the concession so far as such expenditure is rendered necessary or increased by the operations of the Company or by the presence of the agents or workmen of the Company upon or in the neighbourhood of such land. The decision of the Governor-General as to the amount of such expenditure shall be final and the Government shall be the sole judge as to the police and sanitary measures required. Provided always that the Government shall incur no liability towards the Company in the event of the police measures being insufficient for the maintenance of public order.

17. All antiquities found by the Company in the course of its working shall be the property of the Government and shall be taken to the office of the Company at the mines to be there at the disposal of the Government.

18. The Company shall not unless with the consent of the Governor-General engage in any business other than prospecting and mining in the Sudan, and operations incidental thereto.

19. At the expiration by effluxion of time of the term hereby created the Company shall be allowed a period of three calendar months in which to remove its plant and other property from the land included in

the concession and all such plant, buildings and other property as shall at the end of such period of three calendar months remain upon such land shall become the absolute property of the Government without any payment or compensation to the Company in respect thereof.

20. Such of the provisions of this Agreement as relate to the financial relations between the Government and the Company shall after the expiration of the term hereby created by effluxion of time continue in force so long as shall be necessary for the purposes of the final settlement between the Government and the Company.

21. The Company may at any time terminate the present Agreement by giving to the Governor-General six months' notice in writing in that behalf. Such termination shall be without prejudice to any claim against the Company which shall have accrued to the Government under the provisions hereof prior to the expiration of such notice. All buildings, plant and other property left upon the land included in the concession at the time of the termination of this Agreement under the present clause shall in the absence of agreement to the contrary become the absolute property of the Government without any payment or compensation to the Company in respect thereof.

22. If there shall be a breach of any condition or provision of this Agreement by the Company or if the Company shall fail to pay any rent or other sum when the same shall become due and the Company shall not remedy such breach or pay such rent or other sum within three calendar months from its receiving notice in writing from the Governor-General so to do, or if the Company shall purport to assign the benefit of this Agreement whether in whole or in part without the written consent of the Governor-General, or if the Company shall without the written consent of the Governor-General wholly discontinue operations under the concession during a continuous period of six calendar months, then the concession may be declared void by the Governor-General, without prejudice to any claim against the Company which shall already have accrued to the Government under the provisions hereof. The decision of the Governor-General voiding the concession shall be sufficiently notified to the Company by its publication in the *Sudan Gazette* and shall operate to vest in the Government all the plant, buildings and other property of the Company in connection with the concession in the land included therein without any payment or compensation to the Company in respect thereof.

23. Subject to the provisions hereinbefore contained the Company will upon the determination by effluxion of time or otherwise of the term hereby created deliver up peaceable possession of the land included in the concession to the Government or to any officer appointed by the Government to receive possession thereof.

24. All notices intended for the Company shall be sufficiently served if given to the manager at the mines or left at any office established by the Company in Egypt or the Sudan or if sent by registered post to the registered office of the Company in London or elsewhere, and in the last-mentioned case a letter shall be deemed, until the contrary is shown, to have arrived in due course of post.

25. Nothing herein contained shall be construed as vesting in the Company the ownership of any land to be occupied by it.

26. Where the context so permits, the words "the Company" shall include the Company and its authorised assignees and the servants, agents and workmen of the Company or such assignees.

IN WITNESS WHEREOF the Governor-General has hereunto set his hand and seal and the Company has hereunto affixed its common seal the day and year first above written.

CHAPTER IX.

CYPRUS.

Ancient Copper Mines.—*The Cyprus Guide* informs us that the island "abounds in minerals, the most important of which is copper. Copper-mining has been carried on in Cyprus in remote ages, as early, it is said, as the time of the Trojan war. Heaps of scoriæ in many parts of the island bear witness to the magnitude of the mining operations which have been undertaken at different periods of its history. So enormous are some of these heaps that the natives will not believe them to be the work of man, but imagine them to be the results of earthquakes, volcanoes, or some such convulsions of nature." For many years copper-mining has been abandoned in Cyprus, but since the British occupation in 1878 several mining concessions have been granted to English corporations. The royalty to be paid to the Government is 5 per cent. of the value per ton of all copper extracted, the minimum amount being £500 per annum, which sum has to be paid so long as any copper is produced, however small the amount may be. Under the Cyprus Ordinance No. 5, amending the Ottoman law of 4 Mouharem 1286, it is enacted: (1) that all concessions for the working of minerals should be given under the hand of the High Commissioner and the seal of Cyprus instead of by an Imperial Iradé issued by the Sultan of Turkey; (2) that the High Commissioner in council may suspend the provisions of the Turkish mining law providing for the payment of a fixed surface rent; (3) that the rents and royalties payable under the Ottoman law to the Turkish Government shall be payable into the Treasury of the island.

Copper, argentiferous lead, iron, manganese, asbestos, and some precious or semi-precious stones appear to be the principal mineral productions of the island.

Modern Mining Concessions.—In practice, all mining operations are conducted under special concessions granted by the High Commissioner in council, but the base of the provisions of these

concessions is the Turkish mining law as set forth in the Imperial Ordinance of 4 Mouharem 1286 (Mahomedan era). This little-known Ordinance is here given *in extenso*, with all the defects of translation from an Oriental language, some of which are surprising. It is interesting, and is useful as forming a base for concessions.

THE TURKISH MINING LAW.

(Now in effect in Cyprus, as amended by Ordinance 5.)

TITLE I.

Classification of Mineral Substances.

1. The mineral substances contained in the depths of the earth or existing on the surface are classed, in accordance with the rules of working and of the administration of each, under the headings of mines, diggings and quarries. This "reglement" only applies to the first two classes; the third is not subject to this law.

2. Those considered as mines shall be those containing in lodes, beds, or masses existing in the depths of the earth, minerals from which are extracted gold, silver, platinum, mercury, lead, iron, copper, tin, zinc, bismuth, cobalt, nickel, chrome, arsenic, manganese, antimony, aluminium, sulphur, alum, coal of various descriptions, and bitumen, naphtha, petroleum and analogous substances, and lastly, the different classes of precious stones.

3. The "minieres" comprise iron ores scattered irregularly on the surface of the earth, pyritous earths that can be converted into sulphate of iron, sands or metalliferous earths, aluminous earths, ancient slags, peats, and all metalliferous matters which are only exploited by surface works.

4. Marbles, granites, flints, plasters, limestones, paving-stones, "pouzzolanes," porcelain earths, sands, clays, and pottery earths do not come within the stipulations of this law.

5. The Administration of Mines shall settle all questions relative to mines and diggings so declared above, as well as workshops and factories and other accessories.

TITLE II.

Mines.

CHAPTER I.

General Dispositions.

6. Mines may not be exploited except by virtue of an Imperial Iradé.

7. The Imperial Iradé gives the concession for a period of ninety-nine years. During this period the concession shall be negotiable and transferable by inheritance or by sale, like all other property. It may

not, however, be sold, alienated, divided or inherited without a previous authorisation from the Government, given in the official forms, as per the concession "firman."

8. At the expiry of the period granted, the preceding concessionnaire, who may make a fresh request for it, will always have the preference on equal terms over other petitioners for the new concession.

9. The following are immovable property: Machines, buildings, shafts, galleries, and other works established in a fixed manner, and destined for exploitation. The horses used in the galleries, machines, utensils or materials used in the exploitation, transport and refining are also immovable property, as well as the stores for one year.

10. The following are movable property: The other articles of furniture, materials extracted, the shares or interests in a company for working the mines as well as the profits.

Chapter II.

Prospecting.

11. Every landed proprietor is at liberty to devote himself on his property to all sorts of excavation, the object of which is exclusively to search for mineral substances that may be found there, without being obliged to furnish himself with any authorisation to that effect from the Government. Every individual may also without declaration to the authorities make searches on the property of another person after having obtained his consent. If the proprietor should refuse his consent, the petitioner should then address himself to the authorities in accordance with the dispositions set forth hereinafter. The authorisation for the search for mines existing in the Government lands shall not be issued until after recourse to the competent authorities.

12. The authorisation for the search for mines in pastures, forests, markets, and places belonging to one or more villages, to one or more towns, shall not be granted until after having provided by a study of the localities that the works of exploitation cannot injure or curtail the needs of the inhabitants of those towns or villages.

13. No person may without the consent of the proprietor make searches for mines, carry out borings and excavations, sink pits, open galleries, construct stores for requisites within walled enclosures, nor on lands belonging to dwellings, courts and gardens, at a less distance than 150 "archines." For this purpose the consent of the proprietors of the said enclosures, walls, dwellings, courts and gardens will always be necessary.

14. As searches on lands for which the proprietor shall have refused his consent, as well as on the Government lands, will not be permitted excepting by an exclusive authorisation from the Government, every petition for permission shall be addressed to the Governor-General of the province. This petition shall contain the designation of the place where the searches will be undertaken, of the "sandjak" and of the "caza" where it is situated, the nature of the mineral substances which it is proposed to search for, the names and first-names of the proprietor

of the land, and an undertaking to be answerable for all damages. This petition shall then be submitted to the Council of the province, and if it be taken into consideration by the aforesaid Council, who should assure the guarantee of the agreements made by the petitioner, the permission for searches shall be issued by the Governor-General for one year at the most, to count from the date of the exploration permit. The Governor-General shall address a copy of this permission to the Minister of Public Works, who will give information thereof to the Administration of Mines.

15. On the expiry of the aforesaid period, the persons to whom the permit has been given may petition for an extension of same for a further six months, and this extension may be granted to them on their renewing the conditions previously imposed.

16. When the search works have not been commenced in the obligatory six months, commencing from the date of the authorisation to explore, as also in cases where the exploration works shall not have been prosecuted in a continuous manner, the permissionnaire shall be requested to give his reason, and in default of a valid excuse the permission granted shall be revoked.

It may be disposed of for the benefit of another party without allowing the first permissionnaire the right to any claim for compensation or reimbursement for expenditure on account of the revocation of his permit.

17. The permissionnaire may not cede or sell his permission without the authority of the Governor-General of the province. He may not in any way dispose of the mineral substances that he may have extracted before obtaining the concession, without the previous authorisation of the authorities. The rent on the mineral substances extracted during the search is subject to the quota of royalties that shall be determined at the time of the delivery of the "firman" of concession.

In cases where at the expiry of search permit the concession of the mine shall not, for any reason, be granted to the permissionnaire, or if the permissionnaire renounces the concession and abandons the mine, then the administration shall grant him authorisation to sell the substances extracted during the works of exploration and shall receive a royalty of 5 per cent. on those substances.

18. Authorisation to explore land for which a similar authorisation has previously been given for the same substance shall not be granted.

19. Contraventions on the part of a permissionnaire of the preceding stipulations, and especially of Article 17, shall be punished with a fine of from £1 to £10 Turkish, and the royalty on the mineral substances sold without authorisation shall be collected separately. The permission besides this may be revoked.

Chapter III.

On Concessions.

20. Every Ottoman subject, or every foreigner being a subject of one of the Powers that were signatories to the Protocol promulgated in

1283 (old style) by H.I.M.'s Government respecting the possession of lands, who may, either acting for himself or with partners, petition for the exploitation of a mine, if it can be granted, obtain the concession asked for, subject to his conforming to the laws in force for the time being present or future of the Empire.

21. The person or association petitioning for a concession must prove that he has the necessary ability to undertake, to conduct and assure continuous exploitation, as well as the means to settle the payments of compensation, royalties and other obligations that may be imposed upon him by the Act of Concession.

22. Every authorisation for the exploitation of mines by concession shall be preceded by an instruction in the form hereinafter set forth, viz.—

1st. To prove that the mine is usefully concedable.

2nd. To prove that the exploitation of the mine will not injure the works of manufactories or of mines that may be situated near it.

3rd. To settle the best way of working it.

4th. To know (make known) the ability and means of the petitioners.

23. The Administration of Mines shall decide the considerations upon which the concession shall be granted in favour of the various petitioners, whether they be proprietors of the surface, originators of mine in consequence of authorised searches, or other persons. In cases where the person who has discovered the mine may not obtain the concession he shall have a right to a compensation from the concessionnaires; the compensation will be determined and stated in the "firman" of concession.

24. The petition or request for a concession addressed to the administration shall contain the names, first-names, description and domicile of the person or of the partners of the association making the petition, the designation of the place where the mine is, the extent and the limits of the concession asked for, the nature of the mineral to be extracted and the state in which the products will be delivered to trade, the places whence timber, coal and other combustibles that may be required may be drawn and purchased, the compensation offered, if there be occasion for one, by the petitioner to the person that discovered the mine, and to the proprietors of the lands, all the documents requisite to prove that the petitioner has all the qualifications mentioned in Article 22, and lastly an undertaking to submit to the manner of exploitation determined by the Imperial Government.

25. There shall be annexed to the petition a triple copy of a correct plan to the scale of 1/5000, representing the extent of the concession and the boundaries, as nearly as possible determined in straight lines, drawn from one point to another, being careful that the lines preferably should be drawn so as to point to immovable points. The plan must also show the disposition of the mineral to be extracted.

26. The petition for concession shall be addressed to the Administration of Mines, who will verify by reference to the Records of the Council, where the local and other particulars relating thereto communicated at the commencement of the search works will be registered,

whether the petition is in accordance with the stipulations of the preceding articles, and will then have it inscribed in a special register kept for that purpose. In cases where the petition is not in accordance with the stipulations above referred to, or at least in regard to their principal stipulations, the Administration shall send it back to the petitioner to have it corrected and completed, and it will not be inscribed in the Special Register until its return.

27. As soon as the petition has been registered, the Administration of Mines, after having taken the advice of the Governor-General of the province where the mine is situated, and obtained a statement from the Governor that the mine can be usefully worked, and that its exploitation will not entail any troublesome consequence, will, at the cost of the petitioners, cause the said petition to be advertised and published both by special notices and by insertion in the newspapers. This publication shall state that such a mine situated in such a district will be granted for a period of so many years. The notices shall be exposed for two months and at frequent intervals in the principal places of the province in the chief town of the "sandjak" where the mine is situated, and at the place chosen by the petitioners as the administrative domicile.

28. Whether there be or not opposition formulated against the said petition during the period of publication by public notices the Governor-General shall inform the Administration of Mines thereof, adding his own observations and any others he may have obtained thereon.

29. After these formalities all the papers shall be sent to one of the engineers of the Administration of Mines, who shall immediately examine the petition, verify or refute the remarks contained in the papers, indicate the most suitable manner of working, and lastly give his opinion and reasons for the same upon the oppositions that may have been produced. His report must also contain the conditions of the concession as well as the conditions which, according to administrative usage, must be annexed to the "firman" of concession.

This examination shall be prosecuted as rapidly as possible, so that the "firman" of concession may be issued, if there should be occasion to issue it, six months after the registration of the concession.

30. All petitions in competition shall be admissible until the end of the second month following the period fixed for the notices and publications. They shall also be inscribed in the Special Register, and a certificate shall be issued to the petitioners. The nomination of the petitioner that will obtain the preference shall be made after six months, at the utmost, according to the distance of the mine, by the Council of Mines, in conformity with Article 27.

31. The petitioners in competition shall have the right of procuring from the Administration of Mines the particulars of the mine to be conceded.

32. When the Council of Mines has formulated its opinion as to the conditions on which the concession should be granted, a draft of the conditions, mentioning all the necessary clauses and obligations, shall be annexed thereto. The whole sent at once to the Sublime Porte by the Minister of Public Works, and Council of State having given its decision, it shall be submitted to the sanction of the Imperial decree,

in accordance with which the "firman" of concession shall lastly be issued.

33. The "firman" of concession shall be published by the Administration and at the expense of the concessionnaire in the newspapers of the capital, and publicly advertised in all the places where the petition has already been publicly posted up.

34. The concessionnaires may not combine their concessions with other concessions of the same nature by association or in any other manner without the previous authorisation of the Government, and under pain of the withdrawal of the combined concessions.

35. In case of the discovery within the boundaries of a mine that has been properly granted of a mineral substance other than that for which the first concession was given, the new substance may not be worked except by virtue of a new "firman" of concession obtained in the manner above indicated. The concessionnaire of the first mine shall, if he petitions for it and on equal conditions, always have the preference for the new substance over other petitioners for concession of the new substance.

36. Whoever engages in the exploitation of a mine without a "firman" of concession obtained in the manner above indicated, shall be punished with a fine of from 4 to 40 Turkish pounds, without prejudice to the confiscation of the ores extracted and compensations to whomever they may lawfully be payable.

37. The stipulations regarding the delimitations of the concession, the compensations and the rights of originators, the working conditions and other analogous conditions shall be obligatory for the Government itself, when it desires to undertake the working of a mine on its own account.

CHAPTER IV.

Obligations and Rights of the Concessionnaire.

38. The day when the "firman" of concession is issued the concessionnaire shall pay a sole fee, according to the richness of the mine, of 50 to 200 Turkish pounds.

39. Every mine concessionnaire shall pay annually to the Government two classes of royalty, one fixed royalty for each "dunum" of land comprised in the boundaries granted, and another proportionate to the production of the mine.

40. The fixed royalty of a mine granted for exploitation by a "firman" shall be five "paras" per dunum of the surface of the concession plotted on a horizontal plan, the "dunum" being of sixteen hundred square "archines d'architecte." The fixed royalty shall always be payable annually, even in case of the suspension of work, but only up to the day of the voluntary abandonment or of withdrawal of the concession. The fixed royalty of "Mulk" lands goes to the proprietor, and the royalties for domain and "Mevkoufe" lands to the Government.

The value of land bought for the exploitation of mines as well as the compensations for damages shall be satisfied by the concessionnaire in accordance with the special stipulations relating thereto.

41. The proportionate royalty shall be from one to five per cent. of the gross annual product of the exploitation, and must not exceed five per cent. of the gross product. The assessment shall be settled by the Council of Mines, according to the richness of the mineral substance, and shall be inserted in the "firman" of concession itself. With regard to the proportionate royalty of crude and unalloyed substances, it shall be paid after having deducted the cost of the metallurgical treatment. For emery and meerschaum mines the royalty shall be fixed by the Council of Mines according to their importance.

The Council of Mines shall always be at liberty to receive the proportionate royalty in produce or in money in accordance with the current market prices.

42. The collection of royalties and the other formalities of the conceded mine being among the attributions of the Governor-General of the province where the mine is situated, every concessionnaire is obliged formally to inscribe in a special register the quantity, the qualities and values of the substances extracted from the mines or treated in the workshops belonging to same; he shall address to the authorities for each three months an abridged statement in accordance with the forms that he will receive.

Besides this the concessionnaires shall address, during the first month of each year, to the Governor-General of the province an extract stating the quantities of the product of the preceding year. They shall also be obliged to communicate their registers, their accounts and all other facts, as often as the Governor-General may wish to check them.

43. The fixed royalty for the land of the mine shall be received during the course of the year, but the proportionate royalty on the gross produce shall be receivable during the following year at fixed times.

44. The proportionate royalty may be converted for a period of four years at the utmost, in the form of the payment of a fixed annual royalty. This, however, may not take place until after the exploitation of the mine for five years shall have made known the amount of the produce of the mine. Upon the advice of the Council of Mines, and the concessionnaire having been heard, the proposals relating thereto shall be submitted to Imperial decree.

45. So that at the expiry of the said converted payment the Administration may be able to decide equitably upon the new payment that may be demanded, and also in case the concession of converted payment shall not be renewed so that it (the Administration of Mines) may know the exact quantity of the production of the preceding years, the concessionnaire shall always be obliged, during the period covered by the converted payment, to furnish the authorities every three months with the accounts and particulars as set forth in Article 42.

46. Any concessionnaire who fails to send tri-monthly the statements and the annual declaration mentioned in Article 42 at the fixed time, shall be punished by a fine of from 1 to 5 Turkish pounds.

47. In case of manifest and wilful falsehood in the declaration, where the concessionnaire may indicate a less production than the real one, he shall be punished by a fine of double the amount of the royalty which will really go to the Government.

48. In case the concessionnaire should refuse to pay at the times intended either fines against him or the various royalties imposed upon him, the Governor-General shall impose a new summons to him and shall fix a term, which may not exceed three months, and this term having elapsed, the Governor shall give notice thereof to the Minister of Public Works, who will mention a further period, on the expiry of which, if the concessionnaire has not settled his obligations, the forfeiture of the concession will be proceeded with.

49. As soon as the forfeiture shall have been decided upon in the Council of Mines, the concessionnaire shall be officially informed thereof. Commencing from the date of this notice, a period of three months will be allowed him to address, by a special application, his appeal to the Council of State and prove the reasons that may justify it. If these reasons are allowed, he can be replaced in possession of the mine. In a contrary case the forfeiture shall be definitely pronounced by an Imperial Iradé issued to that effect.

50. Every concessionnaire must begin the works of exploitation during the year, commencing from the date of the "firman" of concession. If he does not fulfil this obligation, and saving important reasons that he may be able to furnish, the appreciation of which will be left to the Administration, the concession shall be *ipso facto* repealed. This repeal shall be published in the newspapers.

51. The concessionnaire that does not, during the period fixed by the act of concession, satisfy the compensation settled on in favour of the originator of the mine, shall be punished according to the stipulations set forth in Article 49.

52. Every concessionnaire, individual or society, must appoint a sole and competent director, capable of keeping the works of exploitation in a proper state and in accordance with technical requirements. The director of the mine shall at the same time be considered as the attorney of the concessionnaire and empowered to represent him before the authorities. Should the concessionnaire fail to fulfil this condition during the period that shall be fixed therefor, starting from the date of the concession, it will depend upon the decision of the Council of Mines and on the advice of the authorities, to order the total or partial suspension of the works, or to send if there should be occasion for same a delegate charged with the said management for the account and at the expense of the concessionnaire.

53. The concessionnaire must make two copies of the plan to the scale of 1/500 of the works carried out in the mine and remit one copy to the Administration of Mines, besides which he must, during the first month of each year, exchange the copy he has retained in his possession, after having drawn in all works carried out during the preceding year, for the one that was left with the Administration of Mines.

54. If the concessionnaire does not remit the plan at the time settled on, and if the plan sent is incorrect and incomplete, he shall be liable to a fine of from 1 to 10 Turkish pounds, and the Administration may have the plan specially drawn or rectified at the expense of the said concessionnaire.

55. Besides the register and the plan mentioned in Articles 42 and 53,

the concessionnaire must keep constantly in order and up to date for each mine opening:—

1st. The plans and sections of the underground works to the scale of 1/500.

2nd. A register showing the daily progress of the works and conditions of working, particulars of which it may be useful to keep in mind, such as the inclination of lodes, their thickness, the qualities of the substances extracted, the nature of the roof and walls of the country rock, the quantity of water coming into the mine.

3rd. A register of the daily output and sales.

The concessionnaire shall communicate these plans and registers to the engineers delegated by the Council of Mines as often as they may request same. When these plans and registers are not kept correctly and regularly, the concessionnaire shall be liable to a fine of from 5 to 10 Turkish pounds, and the Administration may at the expense of the concessionnaire delegate an employee to keep them.

56. The concessionnaires of mines or directors of exploitation shall place at the disposal of the engineers all the necessary means for visiting the works. They shall show them the register and plans, of which mention is made above, and shall give them all the particulars they may require as to the state of the exploitation. In case of refusal they shall incur a fine of from 5 to 20 Turkish pounds and the engineers may requisition the assistance of the local authorities. In case of repetition of the offence the fine shall be doubled, and on the third the concession may be repealed.

57. When the defect of unity in the system of working several mines adjoining or close to each other, but appertaining to various concessions, compromises the existence of the mines or the safety of the miners and establishments situated in the neighbourhood, the Council of Mines may order that this exploitation be subjected wholly or in part, according to the case, to one sole and proper management.

58. When, on account of nearness to each other or from any other cause, the exploitation works would cause injury to the works of another mine, when on the other hand these works would be useful to the other mine, and especially for ventilating the works and for drainage of waters, there will be cause for one concessionnaire to compensate the other. This compensation shall be arranged by the Administration of Mines, after having heard the parties interested.

59. When the exploitation works of a mine have only been slight and if the ground, where they were carried on, can by the end of the year be replaced in the same state as it was before, the compensation shall be arranged at double what the net product of the land would have been during the year, and shall be paid by the concessionnaire to the proprietor of the ground.

60. If the shafts have been sunk and galleries driven on the lands, or permanent works for exploitation of mines have been established, and if the concessionnaire cannot come to an arrangement with the proprietors for the acquisition of the said lands, he will then be required to purchase the lands and to pay for them at double the valuation made by the Government.

Chapter V.

Mines Police (Inspection of Mines).

61. The engineers of mines shall, in accordance with the instructions that will be given them by the Administration of Mines, exercise an active supervision to guarantee the preservation of buildings and the safety of the ground; they shall, with the Governor of the province, see that the workmen employed in the mines are only employed by their own free-will for an equitable salary and that nobody is exposed to violence or harm.

62. The engineers of mines shall note the manner of carrying out the exploitation, whether it be to clear the concessionnaires of their difficulties or to lessen them or to let the local authorities know of vices, abuse or dangers that there may be, and they shall also be obliged to immediately communicate to the Administration of Mines observations and reports that they shall have presented.

63. If the exploitation be abandoned or suspended in a manner that does not conform to the industrial requirements of persons employing those mineral substances, the Governor and engineer of mines shall hasten to transmit their observations to the Administration of Mines.

64. In case of imminent danger, the engineer of mines shall, on his own responsibility, make the necessary requisitions to the local authorities, who must make provision therefor at the place according to the dispositions that the engineer may judge suitable.

65. In case of an accident happening the exploiters must immediately warn the local agents and the engineer of mines, if he be at the place. Upon such notice the engineer of the mines, or in the absence of the engineer the officers of the authorities, shall proceed to the place, and having proved the cause of the accident they shall judge whether measures ought to be taken to guard against subsequent events. They shall have the power to make the necessary requisitions of materials, animals and men, all at the expense of the concessionnaires. Lastly, the fact must be brought to the knowledge of the Administration of Mines. Exploiters neglecting to advise the occurrence of an accident shall be liable to a penalty of from 5 to 10 Turkish pounds.

66. The concessionnaires must retain a capable doctor for the mine and they must establish a pharmacy.

67. The concessionnaires must not only pay the compensations and succours fixed by the civil tribunals in favour of the victims or of their families, but they shall also be liable to a fine of from 5 to 20 Turkish pounds, if the accident has occurred through the bad management of the works of the mine or through the absence of technical requisites.

Chapter VI.

Abandonment of Mines.

68. No part of the underground works may be abandoned without an authorisation from the Administration.

The concessionnaire must make a declaration of abandonment in a petition addressed to the Governor of the province and must annex to their petition a plan of the works they wish to abandon. The Governor will submit the whole to the engineer or to the Administration of Mines, and after the examination of the petition he shall prescribe the measures of surveillance, of safety, and of preservation considered necessary.

69. Should the concessionnaire on account of "causes majeures" wish to renounce the concession before the expiry of the period conceded, he must inform the Administration thereof six months before and annex to the declaration a plan of the galleries exploited and of the works, as well as a statement of the substances extracted up to the abandonment. No condition may be inserted in the declaration.

70. Should the works of exploitation have been abandoned for a year, and except in cases of "force majeure," the Administration of Mines may, after having made the necessary inquiry, fix a term for the concessionnaires to recommence work. Should the term be exceeded the Administration may pronounce the withdrawal of the "firman" of concession.

71. In cases of abandonment or withdrawal as foreseen in the preceding and other articles of the present law, as well as at the expiry of the term of concession, the works of exploitation properly so called, such as the galleries, shafts and others necessary for the preservation of the mine, shall be returned to the State or to a new concessionnaire without any recompense to the old concessionnaire, but the machines, materials, tools, provisions, as well as the substances extracted, shall remain the property of the old concessionnaire, who shall have the right to dispose of them.

Nevertheless the State or the new concessionnaire shall always have the right of acquiring all or a part of them after a valuation has been made by experts.

72. In all cases set forth above, the concessionnaire must pay the royalties and other compensations up to the withdrawal or abandonment of the concession. The various articles as indicated in Article 71, such as the tools coming to him, may serve as a guarantee for the payment of royalties and compensations.

73. The decision of pronouncing the withdrawal or abandonment of the concession must be published in the newspapers.

Chapter VII.

Concessions of Mines anterior to the present Law.

74. The concessionnaires or their sureties previous to the present law may enjoy the various dispositions and benefits of this law on their addressing a petition therefor and engaging to fulfil all the conditions therein enumerated. Should they refuse to conform to the new law or if they are unable to give sufficient guarantees to ensure the execution of the necessary conditions, the old concessionnaire shall enjoy their "firman" as formerly until the termination of the concession.

TITLE III.

Minieres.

75. All the substances comprised under the name "minieres" may be worked in perpetuity by the proprietors of the lands, but always by virtue of a firman, which they must obtain for that purpose.

76. If the proprietors of lands where "minieres" are situated do not wish to exploit them, or, after a short exploitation, suspend the works, the exploitation of these "minieres" may be conceded to other persons that may petition for them and agree to pay, after the valuations have been made, double the value of the lands and the just value of the buildings and other accessories, if there be any, situated on the lands mentioned. All these payments shall be made to the proprietors of the lands.

77. All lands "minieres" are worked subject to the laws of domain lands; with the exception of the proportionate royalty the impost of tithe shall not be payable for such lands, where the "miniere" is being worked or which are occupied by works of exploitation.

78. The petition for permission must contain the names, first-names, profession and domicile of the petitioners, the place where the "miniere" is situated, the nature and disposition of the latter and the manner of working they propose to adopt.

79. The permit shall settle the boundaries and the rules for the exploitation, subject to public safety and health, as well as for the preservation of buildings, roads, springs and waterways; the permit will also settle the compensation, if any, to be given for the damages occasioned.

80. For the washing of metalliferous earths and sands the permit shall state exactly, especially where water is to be taken, the regulation of the flow and the drainage of same.

81. The exploitation of "minieres" shall be subject, as mines are, to the surveillance of the engineer of mines and of agents delegated by the Administration of Mines, who must watch the carrying out of the various stipulations enumerated in the permit.

82. Exploiters of "minieres" must every year send to the Governor of the Province a statement summarising the state of the works, the total production of the year and the various conditions of the exploitation.

83. Should the working of a "miniere" be transformed into an exploitation by means of subterranean works or by opening shafts and galleries, the permissionnaire must not exploit same before obtaining a concession for that purpose, in accordance with the formalities prescribed by the law.

84. The permissionnaire that may contravene Articles 82 and 83 shall be liable to a fine of from 5 to 20 Turkish pounds.

TITLE IV.

Workshops and Factories for the Treatment of Mineral Substances.

85. No establishment of works, factories and other accessories, for the treatment of mineral substances, may take place without obtaining an Imperial "firman" given in the following manner:—

86. The petitioner, concessionnaire of mine, or other person shall address his petition to the Governor of the province. It shall set forth the names, first-names, description and domicile of the petitioner, the nature of the workshops or works to be established, also of substances to be treated, or of which use will be made, the manner of working which it is desired to employ, the number of furnaces and other apparatus to be constructed and the period of the year during which they will be worked, the place where the mineral or substance will be taken, the quality, quantity and place of origin of the fuel, the place where it is desired to establish the workshops or factory with its dependencies, and, if there be any, the watercourse of which it is desired to make use.

Lastly, there shall be annexed to the petition, drawings and plans of the furnaces and other buildings, apparatus and of the places where they are to be established, as well as of the water conduits, if any; the general plans shall be drawn to the scale of 1/500 and the drawings of details to the scale of 1/100.

87. The Governor shall immediately communicate the petition and the documents annexed to the Administration of Mines, who will verify whether they are in accordance with the stipulations of the preceding article and shall then return the whole to the Governor of the province, with the necessary drafts of notices.

88. The Governor of the province shall then have the petition inscribed in a special register and shall have the public advertising proceeded with in the principal places of the province, in the place of the petitioner's domicile, and in the "caza" upon the territory where the works are to be established.

The Administration of Mines shall, as soon as it receives notice from the Governor, also cause the petition to be inscribed in a special register and have the advertising in the newspapers proceeded with.

89. Oppositions shall be received by the Governor of the province and by the Administration of Mines during the ninety days following the date of the notices; they shall be notified to the petitioner, who shall have a term fixed for replying to them.

90. After the period granted, the Governor of the province shall transmit the whole to the engineer of mines. The latter shall, if necessary, proceed to the places to carry out the necessary certifications and shall write a detailed report in which he shall state his own observations and shall give his own opinions on the petition and the oppositions, upon the utility of the enterprise, the industrial process to adopt, as well as the charges and conditions to be imposed upon the permissionnaire. In the same report he will establish the correctness of the plan drawn.

91. The engineer of mines shall return the whole case to the Governor, who will append his own remarks and transmit the whole to the Administration of Mines.

92. The Administration of Mines shall dictate the Deed of Permission and insert therein all the clauses and obligations it may think fit, shall definitely fix the duty to be paid on the delivery of the "firman" (this may vary, according to the importance of the factory, from 10 to 50 Turkish pounds), and lastly submit the propositions to the Sublime Porte.

The Council of State having decided, the "firman" shall immediately be delivered by an Imperial decree.

93. The clauses and conditions inserted in the "firman" of permission shall be published at the expense of the permissionnaire in the newspapers and by notices.

94. The permissionnaire who may wish to introduce changes in his factory or workshops shall make a declaration thereof to the Governor by presenting a drawing of the new apparatus. The Governor shall transmit the whole to the engineer or to the Administration of Mines.

95. The Administration of Mines, upon the report of the engineer of mines, shall, at all times during any period of the permission, have the power of imposing upon the permissionnaire the conditions that it may believe necessary in the interests of the public health.

96. Infractions of the above stipulations shall be punished with a fine of from 5 to 20 Turkish pounds, and in the case of repetition, the Council of Mines shall have the power of provisionally suspending the works of the factory, and at the third time to cause the permission to be annulled.

97. Should the permissionnaire not have commenced the construction of the factory during the year following the delivery of the permission, or, after having built it within the period fixed by the Council of Mines, he allows it to stand still for two years, he will be enjoined to construct it and to put it in use, granting him a further sufficient period therefor, which having lapsed the permission will be revoked.

98. The revocation of the permission or the voluntary renunciation shall be published.

CHAPTER X.

THE DOMINION OF CANADA.

States of the Dominion.—The principal mining provinces of the Dominion of Canada are British Columbia, Ontario, Nova Scotia, New Brunswick, Quebec, and the North-West Territory, in which last is situated the Klondyke gold-field of the Yukon river. In Prince Edward Island no workable minerals appear yet to have been discovered, and the mining prospects in Manitoba, Assiniboia, Saskatchewan, Athabasca, Alberta, and Keewatin, so far as they are at present known, appear to be confined to the production of coal and petroleum.

General Principles.—The mining law of the Dominion is comprised in a very large number of legislative enactments of the Dominion Parliament and of the legislatures of the several States, but the general principle obtaining in the older States—that is, in Ontario and the States to the eastward of Lake Superior—is that the mining rights are vested in the surface owner. In some cases these rights are free from any royalty or tax to the Government, where the land has been granted previously to the passing of certain Acts of the Legislature; but as to land granted subsequently to those enactments they are subject to Crown royalties as therein provided. Prospecting on unoccupied lands in these States is allowed to holders of prospecting licences from the Government, and mining leases are granted; but most of the mining land is privately owned, or the mining rights have been concessioned. In the western States of the Dominion more democratic conditions prevail, and the rights to prospect for and work metalliferous minerals are reserved to the State.

British Columbia.—In British Columbia what are known as free miners' certificates are issued, as provided by the Mineral Act of 1891 and subsequent enactments, for the working of metalliferous minerals. With regard to coal and other non-metalliferous minerals, the mining rights on private lands, in

cases where they have not been specially reserved, are vested in the surface owner, be that the Government or private individuals, who may grant working leases, subject generally to a royalty per ton on the marketable mineral produced.

Crown Grants of Mines.—A free miner's certificate, for the working of gold and metalliferous minerals, is granted by the State to any person over the age of eighteen years, or to a recognised corporation, on the payment of certain fees. These certificates remain in force for one year, expiring always on a certain date, unless renewed. The possession of this certificate entitles the holder to prospect for metalliferous minerals, to locate claims, each 1500 feet square, with vertical boundaries, and to work mines on any unoccupied lands of the Crown. Only one mining claim can be held at a time by one licence, but any number may be acquired by purchase.

A Crown grant, which forms an indefeasible title to a mining location, may be obtained, on payment of certain fees, on condition that work is done on the mine and properly recorded each year to the amount of one hundred pounds sterling for each claim, or that payment of that sum is made to the Government agent.

Mine Patents.—A patent for a mining location reserves to the Crown a royalty of not less than 2½ per cent. of the sales of the products of all mines. This system is analogous to that prevailing in the United States, and with some modifications is in force throughout all the western mining districts of the Dominion.

The following is extracted from the *Official Year-Book of Canada* :—

BRIEF RÉSUMÉ OF THE MINING LAWS OF THE DOMINION OF CANADA AND OF THE SEVERAL PROVINCES.

Nova Scotia.

In Nova Scotia the province reserves all its minerals and ores (excepting limestone, plaster and building material), and leases the land under rent and royalty for revenue purposes. The gold and silver are for terms of forty years. Other minerals are leased for eighty years in four renewable terms of twenty years each.

The gold and silver areas are 250 by 150 feet, laid off with the shorter side running east and west. Any number of these areas up to 100 in one application can be secured under a licence to prospect for twelve months on payment of 50 cents an area. During this period any number of the areas can be taken under lease, or the areas can be

directly applied for under lease. The price of an area under lease is 2 dollars, and thereafter an annual rental of 50 cents per area secures it from forfeiture for non-working. If an amount of work equivalent to forty days per annum per area is performed on the lease, the rental for that year is refunded. A royalty is payable on all gold at the rate of 2 per cent., the gold being valued at 19 dollars an ounce smelted, and 18 dollars an ounce unsmelted, and at the rate of 2 per cent. on the silver, valued at 1 dollar per ounce.

In the case of the other minerals the payment of 30 dollars secures a licence to search for eighteen months over a tract of land 5 square miles in extent, and not exceeding 2½ miles in length.

All ores and minerals other than gold or gold and silver are subject to the following royalties :—

Coal.—10 cents per ton of 2240 lb. of coal sold or removed from the mine or used in the manufacture of coke ; royalty not demanded on coal used by the workmen or in any mining operations in and around the mine.

Copper.—4 cents upon every unit, *i.e.* upon every 1 per cent. of copper contained in each and every ton of 2352 lb. of copper ore sold or smelted.

Lead.—2 cents upon every unit.

Iron.—5 cents on every ton of 2240 lb. of ore sold or smelted.

Tin and *precious stones* and any other minerals that may be reserved. —5 per cent. on their values.

The Governor in Council has power to lower the rates of royalty above stated on iron, copper, lead, tin and precious stones, on being satisfied that the owners of such leased minerals have commenced effective mining operations. The leases of coal-mines contain a proviso that royalties on coal may be increased, diminished, or otherwise changed by the Legislature.

QUEBEC.

The mining laws of the province of Quebec provide that mining rights are property separate from the soil covering mines and minerals, unless the proprietor of the surface has purchased from the Crown, as a mining concession or otherwise, the underground properties.

Mining concessions are divided into three classes :—

1. In unsurveyed territory (*a*) the first class contains 400 acres ; (*b*) the second, 200 acres ; and (*c*) the third, 100 acres.

2. In surveyed townships the three classes respectively comprise one, two, and four lots.

All lands supposed to contain mines or ores belonging to the Crown may be acquired from the Minister of Lands, Mines, and Fisheries (*a*) as a mining concession by purchase, or (*b*) be occupied and worked under a mining licence.

No sale of mining concessions containing more than 400 acres in superficies can be made by the Commissioner to the same person. The Governor in Council may, however, grant a larger extent of territory up to 1000 acres under special circumstances. When it concerns inferior

metals, the extent of mining concessions which may be granted to the same person is determined by the Lieutenant-Governor in Council. (2 Ed. VII., c. 15.)

The rates charged and to be paid in full at the time of the purchase are 5 dollars and 10 dollars per acre for mining lands containing the superior metals (the superior metals include the ores of gold, silver, lead, copper, nickel, graphite, asbestos, mica, and phosphate of lime; the words "inferior metals" include all other minerals and ores); the first-named price being for lands situated more than 12 miles, and the last-named for lands situated less than 12 miles, from the railway.

If for the mining of inferior metals, the price shall be fixed by the Lieutenant-Governor in Council. (2 Ed. VII., c. 15.)

Unless stipulated to the contrary in the letters patent, in concessions for the mining of superior metals the purchaser has the right to mine for all metals found therein; in concessions for the mining of inferior metals, those only may be mined for.

Mining lands are sold on the express condition that the purchaser shall commence *bonâ fide* to mine within two years from the date of purchase, and shall not spend less than 500 dollars if mining for the superior metals, and not less than 200 dollars if for inferior metals. In default, cancellation of sale of the mining land.

Licences may be obtained from the Commissioner on the following terms: Application for an exploration and prospecting licence, if the mine is on private land, 2 dollars for every 100 acres or fraction of 100; if the mine is on Crown lands, (1) in surveyed territory, 5 dollars for every 100 acres, and (2) in unsurveyed territory, 5 dollars for each square mile, the licence to be valid for three months and renewable. The holder of such licence may afterwards purchase the mine, paying the price mentioned.

Licences for mining are of two kinds—private lands licences, on which the mining rights belong to the Crown, and public lands licences. These licences are granted on payment of a fee of 5 dollars, and an annual rental of 1 dollar per acre. Each licence is granted for 200 acres or less, but not for more, is valid for one year, and is renewable on the same terms as those on which it was originally granted. The Governor in Council may at any time require the payment of the royalty in lieu of fees for a mining licence and the annual rental—such royalties, unless otherwise determined by letters patent or other title from the Crown, being fixed at a rate not to exceed 3 per cent. of the value at the mine of the mineral extracted, after deducting the cost of mining it.

According to the law of 1892, the proprietor of a lot for agricultural purposes was entitled to a right of preference to the mines on said lot, but according to amendments made by 1 Ed. VII., c. 13, the first applicant to the mines has the first right on all lands which may have been sold since 1880.

Prior to 1880 the proprietor of a lot is also proprietor of the mines, with the exception of gold and silver mines, which are always reserved in favour of the Crown.

British Columbia.

Free Miners' Certificates.

Any person over the age of eighteen, and any joint-stock company, may obtain a free miner's certificate on payment of the required fee.

The fee to an individual for a free miner's certificate is 5 dollars for one year. To a joint-stock company having a capital of 100,000 dollars, or less, the fee for a year is 50 dollars; if capitalised beyond this, 100 dollars.

All these certificates expire at midnight on 31st May in each year. Certificates may be obtained for any part of a year, terminating on 31st May, for a proportionately less fee.

The possession of this certificate entitles the holder to enter on all unoccupied lands of the Crown, or on other lands on which the right to so enter is not reserved, and prospect for minerals, locate claims, and mine.

A free miner can only hold, by location, one mineral claim on the same vein or lode, but may acquire others by purchase. In the case of placer claims, only one can be held by location on each creek, ravine, or hill, and not more than two in the same locality, only one of which shall be a "creek" claim.

In the event of a free miner allowing his certificate to lapse, his mining property (if not Crown-granted) reverts to the Crown; but where other free miners are interested as partners or co-owners, the interest of the defaulter becomes vested in the continuing co-owners or partners, *pro rata*, according to their interests.

It is not necessary for a shareholder, as such, in an incorporated mining company to be the holder of a certificate.

Mineral Claims.

Mineral claims are located and held under the provisions of the Mineral Act.

A mineral claim is a rectangular piece of ground not exceeding 1500 feet square. The angles must be right angles, unless the boundaries, or one of them, are the same as those of a previously surveyed claim.

A mineral claim is located by erecting three legal posts, which are stakes having a height of not less than 4 feet above ground and squared for 4 inches at least on each face for not less than a foot from the top. A tree-stump so cut and squared also constitutes a legal post.

The "discovery post" is placed at the point where mineral in place is discovered.

Nos. 1 and 2 posts are placed as near as possible on the line of the ledge or vein shown by the discovery post, and mark the boundaries of the claim. Upon each of these three posts must be written the name of the claim, the name of the locator, and the date of location. On No. 1

post, in addition, the following must be written :—"Initial post. Direction of post No. 2 (giving approximate compass bearing); feet of this claim lie on the right, and feet on the left of the line from No. 1 to No. 2 posts."

The location line, between Nos. 1 and 2 posts, must be distinctly marked—in a timbered locality by blazing trees and cutting underbrush, and in bare country by monuments of earth or rock not less than 2 feet in diameter at the base, and at least 2 feet high—so that the line can be distinctly seen.

Mineral claims must be recorded in the Mining Recorder's office for the mining division in which they are situated within fifteen days from the date of location, one day extra being allowed for each 10 miles of distance from the recording office after the first 10 miles. If a claim is not recorded in time, it is deemed abandoned and open for re-location, but if the original locator wishes to re-locate he can only do so by permission of the Gold Commissioner of the district and upon payment of a fee of 10 dollars. This applies also to a claim abandoned for any reason whatever.

Mineral claims are, until the Crown grant is issued, held practically on a yearly lease, the condition of which is that assessment work be performed on the same during each year to the value of at least 100 dollars, or payment of such sum be made to the Mining Recorder. Such assessments must be recorded before the expiration of the year, or the claim is deemed abandoned. If, however, such record is omitted, a free miner may, before the expiration of thirty days thereafter, record such assessment upon payment of a fee of 10 dollars. The actual cost of the survey of a mineral claim to an amount not exceeding 100 dollars may also be recorded as assessment work. If, during any year, work is done to a greater extent than the required 100 dollars, any further sums of 100 dollars—but not less—may be recorded and counted as further assessments. As soon as assessment work to the extent of 500 dollars is recorded, the owner of a mineral claim is entitled to a Crown grant on payment of a fee of 25 dollars, and giving the necessary notices required by the Act. Liberal provisions are also made in the Act for obtaining mill sites and other facilities in the way of tunnels and drains for the better working of claims.

Placer Claims.

Placer mining is governed by the Placer Mining Act, and by the interpretation clause its scope is defined as "the mining of any natural stratum or bed of earth, gravel, or cement mined for gold or other precious minerals or stones." Placer claims are of four classes, as follows :—

"Creek diggings" : any mine in the bed of any stream or ravine :

"Bar diggings" : any mine between high and low water marks on a river, lake, or other large body of water :

"Dry diggings" : any mine over which water never extends :

"Precious stone diggings" : any deposit of precious stones, whether in veins, beds, or gravel deposits.

The following provisions as to extent of the various classes of claims are made by the Act :—

In "creek diggings" a claim shall be 250 feet square: provided always that the side lines of each claim shall be measured in the general direction of the watercourse or stream.

In "bar diggings" a claim shall be :

(*a*) A piece of land not exceeding 250 feet square on any bar which is covered at high water ; or

(*b*) A strip of land 250 feet long at high-water mark in the width extending from high-water mark to extreme low-water mark.

In "dry diggings" a claim shall be 250 feet square.

Every placer claim shall be as nearly as possible rectangular in form, and marked by four legal posts at the corners thereof, firmly fixed in the ground. On each of such posts shall be written the name of the locator, the number and date of issue of his free miner's certificate, the date of the location and the name given to the claim. In timbered localities all boundary lines of a placer claim shall be blazed so that the posts can be distinctly seen, underbrush cut, and the locator shall also erect legal posts not more than 125 feet apart on all boundary lines. In localities where there is no timber or underbrush, monuments of earth or rock, not less than 2 feet high and 2 feet in diameter at base, may be erected in lieu of the said last-mentioned legal posts, but not in the case of the four legal posts marking the corners of the claim.

A placer claim must be recorded in the office of the Mining Recorder for the mining division within which the same is situate, within fifteen days after the location thereof, if located within 10 miles of the office of the Mining Recorder by the most direct means of travel. One additional day shall be allowed for every 10 miles additional or fraction thereof. The number of days shall be counted inclusive of the day upon which such location was made, but exclusive of the day of application for record. The application for such record shall be under oath and in the form set out in the schedule to this Act. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

To hold a placer claim for more than one year, it must be re-recorded before the expiration of the record or re-record.

A placer claim must be worked by the owner, or someone on his behalf, continuously, as far as practicable, during working hours. If work is discontinued for a period of 72 hours, except during the close season, lay-over, leave of absence, sickness, or for some other reason to the satisfaction of the Gold Commissioner, the claim is deemed abandoned.

Lay-overs are declared by the Gold Commissioner upon proof being given to him that the supply of water is insufficient to work the claim. Under similar circumstances he has also power to declare a close season, by a notice in writing and published in the *Gazette*, for all or any claims in his district. Tunnel and drain licences are also granted by him on the person applying giving security for any damage that may arise. Grants of right of way for the construction of tunnels or drains across other claims are also granted on payment of a fee of 25 dollars, the owner

of the claim crossed having the right for tolls, etc., on the tunnel or drain which may be constructed. These tolls, however, are, so far as the amount goes, under the discretion of the Gold Commissioner.

Placer Discovery Claims.

The following provision is made for new discoveries of placer mining ground :—

If any free miner, or party of free miners, discover a new locality for the prosecution of placer mining, and such discovery be established to the satisfaction of the Gold Commissioner, placer claims of the following sizes shall be allowed to such discoverers, viz. :

To one discoverer, one claim . . . . . 600 feet in length.

To a party of two discoverers, two claims,
amounting together to . . . . . 1000 „ „

And to each member of a party beyond two in number, a claim of the ordinary size, only :

Provided that where a discovery claim has been established in any locality no further discovery shall be allowed within five miles therefrom, measured along the watercourses. The width of such claims shall be the same as ordinary placer claims of the same class.

No special privileges are allowed for discovery of new mineral claims.

Co-Owners and Partnerships.

In both the Mineral and Placer Mining Acts provision is made for the formation of mining partnerships, both of a general and limited liability character. These are extensively taken advantage of, and have proved very satisfactory in their working. By an amendment to the Mineral Act passed last session, provision is made for collection of the proportion of assessment that may be due from any co-owner in a mineral claim. It should not be forgotten that, if any co-owner permits his free miner's certificate to lapse, the title of his associates is not prejudiced, but his interest reverts to the remaining co-owners, *pro rata*, according to their former interests.

Hydraulic and Dredging Leases.

Leases of unoccupied Crown lands may be granted by the Lieutenant-Governor in Council, upon recommendation of the Gold Commissioner of the district, after location by placing a legal post at each corner of the ground applied for. On the post nearest the placer ground then being worked the locator must post a notice stating the name of the applicant, the location of the ground to be acquired, the quantity of ground, and the term for which the lease is to be applied for. Within thirty days application must be made in writing to the Gold Commissioner, in duplicate, with the plan of the ground on the back, and the application must contain the name of each applicant, the number of each applicant's free miner's certificate, the locality of the ground, the quantity of ground, the term of the lease desired, and the rent proposed

to be paid. A sum of 20 dollars must accompany the application, which is returned if the application is not granted. The term of leases must not exceed twenty years. The extent of ground covered by leases are not to be in excess of the following:—Creek, half a mile; hydraulic diggings, 80 acres; dredging leases, 5 miles; precious stone diggings, 10 acres. Under Order in Council, the minimum rental for a creek lease is 75 dollars per annum, and for a hydraulic lease, 50 dollars per annum, with a condition that at least 1000 dollars per annum shall be spent in development. For dredging leases the usual rental is 50 dollars per mile per annum; development work, 1000 dollars per mile per annum must be done, and 50 cents royalty per ounce paid on the gold mined.

Taxation of Mines.

Mineral claims, when Crown granted, are subject to a yearly tax of 25 cents per acre; but if 200 dollars is spent in work in a year this tax is not levied. A tax of 2 per cent. is levied quarterly on all ores and other mineral substances mined in the province; but where ore-producing mines produce under 5000 dollars in a year, half the tax is refunded, while placer or dredging mines that do not produce a gross value of 2000 dollars in a year are entitled to a refund of the whole tax. These taxes are in substitution for all taxes on the land and for the personal property tax in respect of sums so produced, so long as the land is only used for mining purposes. By the Land Act a royalty of 50 cents per M., board measure, is levied on timber suitable for mining props, a cord of props being considered as 1000 feet board measure.

Coal and Petroleum Prospecting.

Coal or petroleum prospecting licences may be procured after a thirty days' notice has been placed on the land and in the Government office of the district, as well as published in the *Gazette* and in a local paper for the same length of time. Application must be made in writing to the Gold Commissioner, in duplicate, accompanied by plans of the land and a fee of 100 dollars. A licence may be issued for not more than 640 acres of land for one year, the said 100 dollars covering the first year's rental. All lands must be in a square block and run due north, south, east, and west. At the expiration of the first year, an extension may be granted for a second and third year. Land for which a licence has been granted may be leased, upon proof being given of the discovery of coal, for five years at a rental of 15 cents per annum per acre; the lease also contains provision for a royalty of 5 cents per ton of coal and 2½ cents per barrel of petroleum. If the lessee is able to prove that he has worked the land continuously, he may, within three months of the expiration of his lease, purchase the land at 5 dollars per acre.

Mining Recorders in Outlying Districts.

Where mineral is discovered in a part of the province remote from Mining Recorders' offices, so that the provisions of the Act cannot

be justly enforced, the miners themselves may, by a two-thirds vote at a meeting for that purpose, appoint a Mining Recorder from among themselves. Such Recorder can issue free miners' certificates, records of mining property, etc., and such entries will be valid notwithstanding any informality. Under the Act, such Mining Recorder shall, as soon as possible, forward a list of the free miners' certificates issued by him, and of records made, to the nearest Gold Commissioner or Mining Recorder, together with the fees required by law therefor.

Table of Fees.

Individual free miner's certificate	$ 5.00
Company free miner's certificate (capital $100,000 or less)	50.00
Company free miner's certificate (capital over $100,000)	100.00
Recording mineral or placer claim	2.50
Recording certificate of work, mineral claim	2.50
Re-record of placer claims	2.50
Recording lay-over	2.50
Recording abandonment, mineral claim	10.00
Recording abandonment, placer claim	2.50
Recording any affidavit under three folios	2.50
Per folio over three, in addition	.30
Records in "Records of Conveyances," same as affidavits.	
Filing documents	1.00
For Crown grant under Mineral Act	25.00
For every lease under Placer Mining Act	5.00

Full information, together with mining reports and maps, may be obtained from the Agent-General for British Columbia, Salisbury House, Finsbury Circus, London, E.C., or by addressing The Hon. the Minister of Mines, Victoria, B.C., Canada.

Ontario.

The Mines Act of Ontario provides for the abolition of all royalties imposed upon ores or minerals within the province. Reservations of gold, silver, and other mines contained in any patent are also made void, and all such mines in and upon such lands are deemed to have been granted in fee simple, and to have passed with the lands, excepting as to lands patented under the Free Grants and Homestead Act, and the Public Lands Act (since 4th May 1891), being lands sold for agricultural purposes only.

Provision is made for requiring nickel mines to be worked under authority of a licence and on payment of certain licence fees, to be remitted or reduced if the ore is refined in Canada; but this part of the Act has not yet been brought into operation.

Any person may explore for mines and minerals on any Crown land not staked out or occupied, and not withdrawn from sale by Order in Council as being valuable for pine timber or other reason. Crown lands supposed to contain ores or minerals may be sold as mining lands, called mining locations, or may, when situated within a mining division, be staked out and worked as mining claims under miner's licence.

Mining locations containing not less than 40 acres are sold as follows:—If in a surveyed township and within 6 miles of a railway, $3.50 per acre; if within 12 miles, $3; if beyond 12 miles, $2.50; if in unsurveyed territory, $3, $2.50, and $2, according to distance from railway. All these mining locations revert to the Crown in default of the expenditure in actual mining operations of $1 per acre during the first two years, and of $1 per acre in each year of the next five years, or of the equivalent in a shorter time.

Instead of granting mining lands in fee simple, the province will lease such lands for a term of ten years, and if at the end of the term all rents have been paid and working conditions performed, the lessee will be entitled to a patent. The rental is $1 per acre for the first year, and 15 cents to 30 cents per acre per annum (according to distance from the nearest railway and situation in townships or unsurveyed lands) for subsequent years.

Miners' licences in parts of the province which may be set apart as mining divisions are granted for one year on payment of $10, renewable at the end of the year on payment of a like fee. The holder of a licence may stake out a claim of 15 chains square, 22½ acres, or 20 chains square, 40 acres, and he can hold it by expending $150 per annum in actual mining operations thereon, reckoning grown men's labour at $2 per day. Where the licensee desires to procure a patent or lease of a claim, he may do so by completing the working conditions for a period of four years on a claim of 20 chains square, or for three years on a claim of 15 chains square, or the equivalent in a shorter time. But he is required to procure a survey of the land, and to pay in the purchase money or first year's rental.

In unsurveyed lands of the Crown outside of mining divisions the holder of a prospector's licence (fee $10) may stake out two claims of 40 acres each, and hold them for a period of two years by expending $3 per acre in the first year and $7 per acre in the second on development work, when the licensee may proceed in the usual way to acquire the property by survey and payment of the purchase price or the first year's rent.

The Legislature of Ontario created a Bureau of Mines in 1891. It has issued a series of valuable reports. The present director is Mr Thomas W. Gibson.

New Brunswick.

Leases for Mines of Gold and Silver.

Prospecting licences up to 100 areas (each 150 feet by 250 feet, running east and west and north and south by the magnet) are issued at 50 cents an area, up to 10 areas, and 25 cents afterwards per area, good for one year. These licences can be renewed for second year by payment of one-half above amounts. No one application for more than 100 areas, nor less than 10 areas.

Leases for twenty years to work and mine on payment of $2.00 an area of 150 feet by 250 feet, renewable annually at 50 cents an area in advance.

Royalty on gold and silver, 2½ per cent. (See amendment to G. M. A., 55 Vict., cap. x., and 56 Vict., cap. x.)

Mines—other than Gold and Silver, Manganese, Oil and Natural Gas.

Licences to search, good for one year and six months, $20.00 for 5 square miles. Lands applied for must not be more than 2½ miles long, and the tract so selected may be surveyed on the Surveyor-General's order at expense of licensee, if exact bounds cannot be established on maps in Crown Land Office. Lines to run north and south and east and west by the magnet.

No renewals are granted. Second rights to search can be given over same ground, subject to party holding first rights, on payment of $20.00 for every application.

Licences to work are granted on payment of $50.00 for one square mile, good for two years, and extended to three years by further payment of $25.00. The lands selected must be surveyed and returned to Crown Land Office. Leases are given for twenty years and renewable to eighty years at an annual rental in advance of 50 dollars per square mile for all minerals excepting gold and silver and manganese. The Surveyor-General, if special circumstances warrant, may grant a lease larger than one square mile. (See 56 Vict., cap. x.)

Manganese leases are granted to the owners of the soil or their assigns for a period of ten years, upon the following terms: Annual rental $25.00 per square mile, and $5.00 for 100-acre lots.

Royalties.

Coal, 10 cents per ton of 2240 lb.
Copper, 4 cents on every 1 per cent. in a ton of 2352 lb.
Lead, 2 cents on every 1 per cent. in a ton of 2240 lb.
Iron, 5 cents per ton of 2240 lb.
Tin and precious stones, 5 per cent. of value.
Other minerals in proportion.

The Governor in Council is empowered, under 56 Vict., cap. x., sec. 14, whenever deemed necessary, not to impose royalties for ten years from date of lease.

Applications can be filed at the Crown Land Office each week-day from 9.30 a.m. to 4.30 p.m., except Saturdays, when office closes at 1 p.m.

Also, that manganese leases, for tracts not exceeding one square mile, be granted to the owner of the soil for a period of ten years, on payment of an annual rental in advance of $25.

Before a lease is granted, a survey of the land applied for must be made, and a return thereof forwarded to this office.

THE FOLLOWING APPLIES TO THE WHOLE OF THE DOMINION.

Coal.

The Dominion Government have provided regulations (Order in Council dated 19th May 1902) for the disposal of coal lands the

property of the Dominion in Manitoba, the North-West Territories, and within a portion of the province of British Columbia. These regulations provide that locations of an area not exceeding 320 acres may be sold at the rate of $10 dollars per acre, unless the coal is anthracite, in which case the price is $20 per acre.

If the surface rights of the land are not the property of the Crown, the coal-mining rights thereunder may be reserved for the applicant to prospect thereon, upon payment of a fee of $10, and upon obtaining permission from the owner of the surface rights to enter upon the land.

Settlers at a distance from coal-mines worked by purchasers may secure permits authorising them to mine for domestic purposes, on payment of a royalty of 20 cents for anthracite and 15 cents for bituminous and 10 cents for lignite coal. The regulations provide that the location shall be marked on the ground, that the frontage shall not exceed 3 chains, and the length 10 chains; that the applicant shall, within thirty days after marking his location, file application with the agent, who is to issue a permit at a rental of $5 an acre or fraction of an acre per annum.

In the Yukon Territory all applications for coal lands are to be made to the Crown timber and land agent, who is empowered to sell such lands at $20 an acre, if the coal is anthracite, and $10 for any other coal.

Gold Quartz Claims.

Persons of eighteen years and over and joint-stock companies holding a free miner's certificate may obtain entry for a mining location.

A free miner's certificate (non-transferable) is granted for one or more years, not exceeding five, on payment in advance of the prescribed fee. The fee for an individual is $7.50, and to a joint-stock company $50 to $100, according to capital.

The holder of a free miner's certificate who has discovered mineral in place may locate a claim 1500 feet by 1500 feet, by marking it with two legal posts, one at each end, on the line of the lode or vein, and marking out the line between. Upon each post shall be marked the name of the claim, the name of the person locating, and the date; and the number of feet lying to the right and left of line shall be added to post No. 1.

The claim shall be recorded with the Mining Recorder of the district within fifteen days, if located within 10 miles of the office; one additional day allowed for every additional 10 miles or fraction. If a claim is situated more than 100 miles from a Recorder's office, and where other claims are being located, five free miners may appoint a Free Miner's Recorder; but if the latter fails within three months to notify the nearest Government Mining Recorder of his appointment, the claims will not hold good. Fee for recording a claim is $5.

At least $100 per year must be expended on the claim, or paid to the Mining Recorder in lieu. When $500 have been expended or paid, the locator may, upon having a survey made and upon complying with certain other requirements, purchase the land at $1 per acre cash.

A location for mining iron and mica not exceeding 160 acres may be granted, but if therein other valuable mineral is discovered the miner's

right is limited to the area prescribed for other minerals, the remainder reverting to the Crown. The Minister of the Interior may also grant 160 acres for copper mining in the Yukon Territory.

The patent for a mining location shall reserve to the Crown for ever a royalty of 2½ per cent. on the sales of the products of all mines therein, and the same royalty shall be collected on the sales which may be made prior to the issue of the patent.

The royalty shall be collected in such manner as may be prescribed by the Minister of the Interior.

Placer Mining in the Yukon Territory.

Creek, gulch, river, and hill claims shall not exceed 250 feet in length, measured on the base-line or general direction of the creek or gulch, the width being from 1000 to 2000 feet. All other placer claims shall be 250 feet square.

Claims are marked by two legal posts, one at each end bearing notices. Entry must be obtained within ten days if the claim is within 10 miles of a Mining Recorder's office. One extra day allowed for each additional 10 miles or fraction.

The person or company staking a claim must hold a free miner's certificate.

The discoverer of a new mine is entitled to a claim 1000 feet in length, and if the party consists of two, 1500 feet altogether, on the output of which no royalty shall be charged; the rest of the party, ordinary claims only.

Entry fee, $10.00. Royalty at the rate of 2½ per cent. on the value of the gold shipped from the Yukon Territory to be paid to the Comptroller, for the purpose of estimating which the gold shall be valued at $15 an ounce.

No free miner shall receive a grant of more than one mining claim on each separate river, creek, or gulch, but the same miner may hold any number of claims by purchase, and free miners may work their claims in partnership, by filing notice and paying fee of $2. A claim may be abandoned and another obtained on the same creek, gulch, or river, by giving notice and paying a fee.

Work must be done on a claim each year to the value of at least $200.

A certificate that work has been done must be obtained each year; if not, the claim shall be deemed to be abandoned, and open to occupation and entry by a free miner.

The boundaries of a claim may be defined absolutely by having a survey made, and publishing notices in the *Yukon Official Gazette.*

Dredging in the Yukon Territory.

Six leases of 5 miles each may be granted to a free miner for a term of twenty years, also renewable.

The lessee's right is confined to the submerged bed or bars in the river below low-water mark, that boundary to be fixed by its position on the 1st day of August in the year of the date of the lease.

The lessee shall have one dredge in operation within two years from the date of the lease, and one dredge for each 5 miles within six years from such date. Rental, $100 per mile for first year and $10 per mile for each subsequent year. Royalty, 2½ per cent. on value of the gold shipped from the Territory.

Placer Mining, Manitoba and the North-West Territories, excepting the Yukon Territory.

Placer mining claims generally are 100 feet square; entry fee, $5, renewable yearly. On the North Saskatchewan river claims are either bar or bench, the former being 100 feet long and extending between high and low water marks. The latter includes bar diggings, but extends back to the base of the hill or bank, but not exceeding 1000 feet. Where steam power is used, claims 200 feet wide may be obtained.

Dredging in the Rivers of Manitoba and the North-West Territories, excepting the Yukon Territory.

A free miner may obtain only two leases of 5 miles each for a term of twenty years, renewable at the discretion of the Minister of the Interior.

The lessee's right is confined to the submerged bed or bars of the river below low-water mark, and subject to the rights of all persons who have or who may receive entries for bar digging or bench claims, except on the Saskatchewan river, where the lessee may dredge to high-water mark on each alternate leasehold.

The lessee shall have a dredge in operation within one season from the date of the lease for each 5 miles, but where a person or company has obtained more than one lease one dredge for each 15 miles or fraction is sufficient. Rental, $10 per annum for each mile of river leased. Royalty at the rate of 2½ per cent. collected on the output after it exceeds $10,000.

Petroleum.

All unappropriated Dominion lands in Manitoba, the North-West Territories, and within the Yukon Territory shall be open to prospecting for petroleum by any individual or company desiring to do so, and the Minister may reserve for an applicant who has machinery on the land to be prospected an area of 1920 acres. Should the prospector discover oil in paying quantities, he may acquire 640 acres of land, including the oil-well, at the rate of $1 an acre, and the remainder of the area reserved, viz. 1280 acres, will be sold at the rate of $3 per acre.

CHAPTER XI.

BRITISH GUIANA.

Mineral Productions.—Gold and silver and precious stones, with some hitherto unworked and little-known deposits of manganese, iron, and coal, are the principal mineral productions of the Crown Colony of British Guiana, but the mining industry does not appear so far to have assumed any great importance.

Tenure of Mining Rights.—The conditions of tenure of mines and mining rights come practically under the system of concessions, although the nomenclature of the mining law, as represented by the Mining Ordinance of 1903, in making use of such terms as claim, warden, and commissioner, also some of its regulations, such as those allowing public objections to be lodged against the granting of licences and the "jumping" of claims, may at first sight seem to lean towards the claim system. The Governor in Council appears to have the right to grant concessions of mining rights (under sections 13, 14, and 15 of the Ordinance) of almost unlimited extent and duration, both on Crown and private lands, under certain specified conditions regarding compensation to owners. As a general rule, however, the area of ground to be taken up as a mining claim is limited, under clause 19, to five hundred acres, and the duration of the lease is only determinable by failure to satisfactorily work the ground and pay the very moderate rental charged, or by some other offence against the Act. The whole power of granting and dealing with mining rights is vested in the Crown, as represented by the Governor and the Secretary of State, with the Commissioner of Lands and Mines acting as the executive officer, and the Warden filling the post of Inspector of Mines.

Attached to the Mining Ordinance of 1903 is a comprehensive code of mining regulations, which, in addition to the usual provisions regarding the efficient working of the mine, safety of the workmen, care of explosives, and other similar matters to which

the British mining regulations are confined, lays down rules for prospecting and the location of mining areas, their size, and the duration of the lease, rights to water, timber, and fuel, cutting and use of roads in the forest, the sale and purchase of gold and silver and precious stones, and other matters of a like nature. The following are some of the more important clauses of the Mining Ordinance. A few from the mining regulations are included. The full text of the Act can be obtained from the Argosy Company, Limited, Georgetown, Demerara.

EXTRACTS FROM THE MINING ORDINANCE OF 1903.

2. In this Ordinance and in any regulations made thereunder, unless the context otherwise requires—

"Commissioner" means the Commissioner of Lands and Mines, or, in the absence of the Commissioner, the officer of the Department next in rank.

"Warden" means any officer appointed by the Governor for the purposes of this Ordinance and of the mining regulations for the time being in force to be Warden of a mining district, and, unless the context otherwise requires, includes Sub-Warden.

"Mining district" means any portion of the Colony declared to be a mining district under section 4 of this Ordinance.

"Raw gold" includes any substance or thing containing gold or of which gold forms a part, whether it has been smelted or not, upon which the payment of royalty is not admitted by the Commissioner.

"Precious stones" means rough or uncut precious stones only.

"Valuable minerals" means any mineral containing gold or silver or both together with some other metal in such proportions that the gold or silver or both combined obtainable from such mineral is or was of greater value than the cost of separating the gold or silver or both from the baser constituents, without any expenditure for rendering these latter constituents of commercial value.

"Concession" means any permission, exclusive right, concession, or grant in respect of any portion of the Crown lands of the Colony under Part II. of this Ordinance.

"Licence" and "claim licence" mean any licence to occupy any portion of the Crown lands of the Colony for the purpose of mining, issued under Part III. of this Ordinance.

"Precious stones licence" means a licence for the purpose of mining for precious stones only.

"Claim" means the area of Crown land in respect of which a concession is granted or a licence is issued, and includes any claim located, whether a concession or licence has been issued in respect thereof or not, and includes the area of any land or water in respect of which a dredging concession is granted.

4. The Governor may by notice to be published in the *Gazette* and one other newspaper circulating in the Colony declare any portions of the Colony to be mining districts, and establish one or more stations in or in the neighbourhood of any mining district, and by a like notice direct that all persons going to or coming from a mining district shall stop and report themselves at one or more specified station or stations to the respective officers in charge thereof, and be examined and searched.

5. (1) The Governor may appoint for each mining district an officer to be called a Warden.

(2) Each Warden shall be responsible for the efficient working within his mining district of this Ordinance and of any regulations made under it and for the time being in force.

8. All Wardens and officers in the performance of their duties under this Ordinance and under the regulations shall act under the directions of the Commissioner, and will be held responsible through him to the Governor.

12. A Warden may at any time enter on and inspect any claim and any building or work connected therewith.

13. The Governor may, with the approval of the Secretary of State, grant a general concession to any person entitling such person to the soil and to gold, silver, valuable minerals, and precious stones found therein.

14. (1) In any case in which owing to the amount of capital to be invested or the works to be undertaken by any person, entitling such person who desires to obtain a concession, it appears expedient to the Governor in Council to do so, the Governor in Council may with the approval of the Secretary of State permit such person to temporarily occupy and explore for the purpose of testing the value of unoccupied Crown lands without a concession in respect thereof being first granted, subject nevertheless to such terms and conditions as to the Governor in Council may seem meet.

(2) The Governor in Council may, in special cases and with the approval of the Secretary of State, give to any person the exclusive right to occupy and explore, as provided in sub-section (1) hereof, within a given area.

15. The Governor in Council may grant, on such terms and conditions as he shall deem meet, a concession authorising any person therein named to occupy any portion of the Crown lands of the Colony and, subject to the provisions of this Ordinance, and any regulations made thereunder, therein to mine for and when found to take and appropriate gold, silver and valuable minerals or precious stones.

18. In any case in which a concession is granted in respect of unoccupied Crown lands, the Governor may make an absolute grant therewith of the Crown lands in respect of which such concession was granted, without requiring the provisions of the Crown Lands Ordinance and the Crown Lands Regulations for the time being in force to be complied with: Provided that no grant of the nature set forth in this section shall be made either under this section or in any other way without the approval of the Secretary of State.

19. No concession shall be granted to any person for any larger area than five hundred acres, except with the approval of the Secretary of State.

22. The holder of every concession shall pay on the value of all gold, silver, and valuable minerals and precious stones found and appropriated within the area of his concession such royalty as the Governor and Court of Policy may by regulations under this Ordinance from time to time determine.

23. Nothing in any concession shall be construed to prevent the Governor from at any time directing that any portion of the land in respect of which it is granted shall be taken and used for public purposes, and, when the Governor so directs, the land specified in the order of the Governor shall be taken and used for public purposes, without giving any right to compensation therefor.

24. Every concession shall be subject to the Mining Regulations.

26. Notwithstanding anything hereinbefore contained, it shall be lawful for the Governor in Council to grant any concession upon the terms that no royalty shall be paid in respect of any gold, silver, valuable mineral, or precious stones obtained under such concession, if due provision, to the satisfaction of the Governor in Council, is made in such concession for the payment of any sum or sums of money or other consideration in lieu of such royalty.

34. The Commissioner may, with the approval of the Governor, issue a licence to any person authorising such person to enter on private lands or lands of the Colony and there search and mine for and when found take and appropriate gold, silver, and valuable minerals or precious stones: Provided always that every such licence shall be subject to such regulations as may from time to time be made by the Governor and Court of Policy.

35. (1) The owner of any private lands granted before the passing of this Ordinance shall hold and enjoy all metals other than gold or silver therein or thereon, and may search and mine for and when found take and appropriate same to his own use without previously obtaining any licence.

88. (1) Every officer holding a salaried appointment in the Department of Lands and Mines is hereby prohibited from acquiring by any act of his or holding directly or indirectly any share or beneficial interest in any claim in this Colony, or in any concession granted or licence issued under this Ordinance.

THE MINING REGULATIONS, 1903.

3. (1) Every person who desires to prospect for the purpose of locating claims shall apply in writing, in Form No. 1 in Appendix I. to these Regulations, to the Commissioner or Warden for a licence, hereinafter called a prospecting licence, to do so.

4. (1) If the application is granted, the Commissioner or Warden shall thereupon issue a prospecting licence to the applicant, in form No. 2 in Appendix I. to these Regulations.

(2) There shall be payable in advance for the licence the sum specified in Appendix II. to these Regulations.

(3) The licence shall continue in force for twelve months from the date of its issue.

(4) It shall be lawful for the Commissioner for good cause at any time to revoke any prospecting licence, subject to an appeal to the Governor, whose decision shall be final.

(5) A prospecting licence shall entitle the person to whom it is issued to prospect and locate claims in every mining district, but under and subject to the provisions of these Regulations.

6. A person on obtaining a prospecting licence may, personally or by some person authorised by him with the approval of the Commissioner or Warden in writing in Form No. 3 in Appendix I. to these Regulations, prospect for and locate claims on any of the Crown lands in the Colony not previously lawfully occupied or previously located or reserved, by notice published in the *Gazette*, for the use of the Crown or the Colony or as an Indian Reservation.

7. Every person who locates a claim shall, within a reasonable time after such location, and in any case not more than three months thereafter, file or cause to be filed at the office of the Warden, or at the office of the Department of Lands and Mines in Georgetown, a notice in duplicate, in Form No. 4 in Appendix I. to these Regulations, stating the name of the person for whom the location is made, the name of the person actually locating, the names of the witnesses in whose presence the location was made, the date of the location, and such a description of the ground located and its situation as will enable the claim to be identified, together with an application in writing in Form No. 5 in the said Appendix I. for a licence to mine for gold and precious stones as the case may be, and shall pay for filing such notice and application the fee specified in Appendix II. to these Regulations; and if such application and notice be not filed as required, with the amount payable, the location shall be null and void, and the land located be open to location by anyone.

9. Where any dispute arises as regards the person who is to be deemed the first applicant for a licence, the person first locating the claim in accordance with these Regulations shall be deemed the first applicant.

15. (1) A licence, so long as the holder thereof complies with the Mining Ordinance, 1903, and with the Mining Regulations, shall, subject to its terms, confer the right to the use and enjoyment of the surface included within the lines of the claim, and to all veins, lodes, ledges, and deposits below such surface within the vertical planes in which the surface boundaries lie:

Provided always that, subject to the provisions hereinafter contained relating to a path or trail, the occupation of all land for the purpose of being worked under these Regulations shall be subject to the right of any person to pass through or along any road or path on such land which gives access to any land beyond, to which such person desires and is entitled to go, and to the rights of any person duly authorised to cut timber or take forest produce.

16. Any licence may be revoked by the Governor in Council under and in accordance with the provisions of section 32 of the Mining Ordinance, 1903, if the holder thereof ceases to work the claim to the satisfaction of any officer appointed by the Governor to inspect the same.

17. Subject to the provisions of the Mining Ordinance, 1903, and to these Regulations, every licence shall continue in force so long as the rent payable in respect thereof is regularly paid.

18. (1) In the month of June in each year the Commissioner shall, for three successive Saturdays, including the first Saturday, advertise for sale, on the Monday following the third Saturday, the rights of the licensees in all claims for which the rent payable for the current financial year is then in arrear, and shall on the said Monday put up the same for sale and sell the same to the highest bidder for cash on the knock of the hammer, whereupon the rights of the licensees in the said claims so sold shall cease and determine.

In the event of a sale being concluded, the Commissioner shall give to the purchaser a copy of the licence with a note on the face of it recording such sale, and shall also record the sale on the Register of Licences kept by him:

Provided, however, that the holder of a licence may at any time before the sale takes place pay the rent due in respect of a claim and the sum of fifty cents as costs of the advertisement, and the Commissioner shall not sell the same.

(2) All sums received in respect of such sales shall be paid to the Commissioner.

(3) If the right in any claim put up for sale as aforesaid is not sold, the licence issued in respect of it shall *ipso facto* be revoked, and the Commissioner shall give notice of the said revocation in the *Gazette*, when the said claim shall be open to location by any person.

19. (1) There shall be payable in advance for each licence the rent specified in Appendix II. to these Regulations.

20. The Royalty shall be seventy cents for each ounce of gold, and four cents for each ounce of silver, or such amount as may from time to time be fixed by the Governor and Court of Policy.

21. Every person holding a precious stones licence shall be bound, immediately after he has commenced to work the land for the purpose of extracting precious stones, to notify in writing the Warden of the district in which the land mentioned in the licence is situate, the quantity of land he intends to work and whether the work commenced is in the nature of alluvial working or mining.

22. If the work commenced is in the nature of mining, such holder shall keep a book in the form to be approved by the Commissioner, and record therein at least once a week the number of cubic yards of material removed during the progress of the work; and shall, in addition to all other fees and payments, pay a sum of four cents for each cubic yard of such earth, whether the earth contains precious stones or not. The book shall be open at all times to the inspection of the Commissioner or of any Warden.

24. If the Warden is satisfied that the working is in the nature of alluvial working and the quantity of land mentioned in the notice is

correct, he shall give such holder a certificate to that effect, and the said holder shall forthwith, in addition to all other fees and payments, pay the sum of one hundred dollars for each acre or part of an acre mentioned in such certificate.

33. No claim located for the purpose of mining for gold shall be more than 1500 feet long by 800 feet wide.

No claim located for the purpose of searching for precious stones shall be less than 1500 feet long by 800 feet wide, or shall contain a greater area than 500 acres.

34. The side lines and end lines of the surface boundaries of a claim shall as far as possible be run in parallel lines, except where prior locations or natural features prevent this being done, in which case the claim shall be of such shape as may be approved by the Commissioner, or by the Warden, subject to the approval of the Commissioner or by a surveyor making a survey under these Regulations.

35. The boundaries of a claim beneath the surface shall be the vertical planes in which the surface boundaries lie.

43. The holder of a concession or licence shall be entitled to transfer his rights thereunder, either wholly or in part, to any other person under certain conditions.

97. Subject to the provisions hereinafter contained with respect to aboriginal Indians, all wages due to any servant employed on a claim shall be paid to him in cash, except deductions for advances, for payments on orders given by the servant, for goods supplied on a claim to the servant for his personal use to a value not exceeding five dollars in any one month, or for fines imposed under these Regulations.

99. (1) An aboriginal Indian employed on a claim shall, except with the express permission in writing to the contrary of the Protector of Indians or of the Commissioner or Warden, be paid his wages in cash, without any deduction or abatement, and such payment shall be made at the place of working or some convenient place near thereto, and nowhere else.

104. Every person who employs any servant on a claim shall be bound to keep thereon such medicine and medical remedies as may for the time being be required by the Governor to be so kept by notice published in the *Gazette* and in a newspaper circulating in the Colony; and where fifty servants or more are employed on such claim, shall employ a certificated sick-nurse and dispenser on such claim, provided there is no Government hospital or dispensary within ten miles thereof; and shall also be bound, in addition to the payment of the wages agreed upon, to feed every such servant or to furnish every such servant so employed with sufficient rations, in accordance with a scale for the time being approved by the Commissioner.

137. The Commissioner may in his discretion declare any claim or part of a claim to be a mine, and may alter or revoke such declaration.

138. Every holder of a mine, not being himself qualified as manager as hereinafter provided, on which are employed more than twelve men, shall forthwith after the coming into force of these Regulations appoint and continue to have a manager, who shall be deemed the mining manager of the mine under this Part.

145. (1) The owner, manager, or person in charge of every mine where there are underground workings shall keep at the office at the mine an accurate plan to scale of the workings of the mine made by a certified manager or a duly qualified mining engineer or by a surveyor, showing the workings up to three months previously, and shall, on demand, produce such plan at the mine to any Warden, and shall, if requested by any such officer, mark on such plan the progress of the workings of the mine up to the time of such production, and shall allow such officer to examine and take a copy or tracing thereof.

150. Any accident occurring in a mine shall be *primâ facie* evidence that such accident occurred through some negligence on the part of the owner of the mine.

Appendix II.

Table of Fees.

For a prospecting licence	$0.24
On filing notice of the location of any claim and application for a licence	0.48
For a certified copy of particulars relating to a prospecting licence	0.12
For a licence to mine for gold, for each financial year or part thereof	2.00
For a licence to search for precious stones, for each acre or part of an acre, for each financial year or part thereof	0.20
For a licence to mine for gold and precious stones	2.00
And in addition for each acre or part of an acre, for each financial year or part of a financial year	0.20
For every duplicate licence issued	0.50
For every duplicate concession issued	1.00
For filing notice of a transfer of any single claim or of any number of claims	1.00

CHAPTER XII.

THE GOLD COAST COLONY AND ASHANTI.

Mining Rights and Concessions.—In the Gold Coast Colony and the Protectorate of Ashanti all land and mineral rights are vested in the native chiefs, and no prospecting for or working of minerals can be undertaken without permission from the local potentates; but no contracts with them are valid without the consent and official recognition of the Government. Prospecting licences are issued by the Government; on these a fee of thirty pounds each is charged, and they are available over such areas of land as the applicant may have arranged with the native owners to work upon, but the agreement with the natives granting such prospecting rights must be presented to the Government for approval and registration before it can be acted upon. All mining and other concessions obtained from natives must be approved and registered by the Government of the Gold Coast Colony to become valid, and such agreements must not be made for a longer period than ninety-nine years, or cover a larger area of country than five square miles. This rule, however, does not apply to certain concessions obtained and registered previous to October 1895. On mines in the Ashanti Protectorate, a tax of 5 per cent. of the net profits derived from the concession is levied by the Government, in addition to the payments made to the natives under the terms of the working agreement. In certain cases, the payments due to the natives under the concession are paid to them through the Government officials. The legal procedure is regulated by the Concessions Ordinance of 1900, in conjunction with other legislative enactments.

EXTRACTS FROM THE CONCESSIONS ORDINANCE, 1900.

2. In this Ordinance unless the context otherwise requires

"Concession" means any writing whereby any right, interest, or property in or over land, with respect to minerals, precious

stones, timber, rubber, or other products of the soil, or the option of acquiring any such right, interest or property purports to be either directly or indirectly granted or agreed to be granted by a native.

"Court" means a Divisional Court of the Supreme Court.

"Native" includes all persons of African birth who are entitled by native custom to rights in land in the Colony.

6. The Court shall have power, jurisdiction, and authority to inquire into and certify as valid or invalid any concession, except so far as otherwise provided in this Ordinance, and shall exercise such power, jurisdiction, and authority subject to and in accordance with the provisions of this Ordinance. For the purposes of this section and section 40, and subject to the provisions of this Ordinance, the Supreme Court Ordinance, 1876, shall be read and construed with this Ordinance, and every proceeding in the Supreme Court under this Ordinance shall be a "matter" within the meaning of the said Supreme Court Ordinance. The power of making, altering, or revoking rules given by section 88 of the Supreme Court Ordinance, 1876, shall extend to the making, altering, or revoking rules for the purpose of proceedings in the Supreme Court under this Ordinance.

8. After the date on which this Ordinance shall come into force, no proceedings shall, without the leave of the Court, be taken to give effect to any concession unless such concession has been taken as valid by the Court.

9. (1) Within six months after the coming into force of this Ordinance with respect to any concession dated prior to the coming into force of this Ordinance, and within six months after the date of the concession with respect to concessions dated after the coming into force of this Ordinance, notice of every concession shall be filed by the person claiming to be entitled to the benefits thereof, hereinafter called the claimant, with the Registrar of a Court of a province within which the land subject to the concession is situate. Such notice shall be in the prescribed form and shall contain the prescribed particulars. The claimant shall also file within the prescribed time such other documents or duly certified or attested copies thereof as the claimant relies upon in support of his right to such concession, provided that the filing of any such copies shall not be deemed to render unnecessary the due production at the inquiry into any concession or at the trial of any question relating to any concession of the original document so relied upon. Notice of the filing of every such declaration with particulars thereof shall be given by the Registrar to the Governor.

(2) Any person claiming to be entitled to the benefit of any concession who makes default in compliance with any of the provisions of this section shall be liable to a penalty not exceeding five pounds a day for every day during which such default continues.

10. The Court on the filing of any notice of a concession shall cause notice in the prescribed form of such filing to be published in the *Gazette* and affixed in every Court, and also served on the native by whom such concession was granted or such other person as the Court may direct, and the claimant shall be required to pay the cost of such

service before the hearing of the inquiry into such concession unless the Court otherwise directs.

11. No concession shall be certified as valid—

(1) Unless made in writing signed by the grantor or some person duly authorised by him;

(2) Unless the Court is satisfied that the proper persons were parties to the concession, and that it may be reasonably presumed that they understood the nature and terms thereof;

(3) If obtained by fraudulent or other improper means;

(4) If made without adequate valuable consideration, regard being had to the circumstances existing at the time of the concession;

(5) Unless all of the terms and conditions upon which such concession was made, which ought to have been performed, have been reasonably and substantially performed;

(6) Unless the Court is satisfied that the customary rights of natives are reasonably protected, in respect of shifting cultivation, collection of firewood, and hunting and snaring game;

Provided that any concession dated prior to the 10th day of October 1895, and duly registered as provided by law in the Colony, before the date of the coming into force of this Ordinance, and in respect of which no proceedings are pending in any Court of the Colony on the said date, shall be certified as of course to be valid if the Court is satisfied that the rights granted under such concession have been in fact exercised, and that the natives resident in the locality in which such rights are exercisable and the natives by whom such concession was granted have known of and acquiesced in the exercise of such rights.

12. No inquiry shall be held as to the validity of any concession before the expiration of three months from the filing of the notice of concession, and during such period any person may enter notice of opposition to the granting of a certificate of validity of such concession. In the event of any such notice of opposition being entered in respect of such concession, the Court shall investigate the claims as in a suit.

13. The Governor may direct the Attorney-General to intervene in any inquiry under this Ordinance into any concession, and thereupon the Attorney-General shall for all purposes be a party to the proceedings.

14. Whenever the Court shall have decided that a concession is valid, a certificate to that effect bearing the seal of the Court, hereinafter referred to as a "certificate of validity," shall be attached to, or endorsed upon, such concession. Every such certificate shall be registered under the Land Registry Ordinance, 1895, by the Registrar of the Court on behalf of and at the expense of the person entitled to the benefit thereof, and shall be registered in the same way as a judge's certificate. A copy of every such certificate shall be transmitted by the Registrar of the Court to the Governor, who shall cause particulars thereof to be published in the *Gazette*.

15. Every certificate of validity—

(*a*) shall state the boundaries, extent, and situation of land in respect of which the certificate is given; and

(*b*) shall briefly specify the nature of the concession; and

(*c*) shall contain a complete statement of any limitations imposed by the Court; and

(*d*) shall declare the concession to be valid subject to the terms of the certificate of validity; and

(*e*) shall be signed by the Judge making the final order for the issue of the certificate of validity or his successor in office; and

(*f*) may be in the form in Schedule A hereto.

16. When the Court shall decide that any concession or part thereof is invalid, but shall find that consideration was given therefor, the Court may order the repayment or return of such consideration, or of any part thereof, to the person who would have been entitled to the benefit of the concession if it had been declared valid, or may make such order for the settlement of any question arising with respect to any such concession as it shall deem just, and in particular may, in making any order, take into account the time which has elapsed since the date of the concession, the knowledge of and acquiescence in any such concession on the part of any person claiming to be affected thereby, or any operations or expenditure upon the land. Any such order shall be deemed to be, and shall be enforced, as a decree of the Court.

17. The Court may, in any case where it shall deem it necessary, require that, before a certificate of validity is issued in respect of any concession, the boundaries of the land afterwards shall be surveyed by a duly licensed surveyor and the cost of such survey shall be paid by the person claiming to be entitled to the benefit of such concession.

18. No certificate of validity shall be issued in respect of any concession obtained on or after the 10th day of October 1895, which purports to confer any right or interest in or over any land for a longer period than ninety-nine years, or in respect of any concession which purports to confer an option to exercise a right of prospecting for minerals, precious stones, rubber, or other product of any land for a longer period than three years. The Court may reduce the term of any concession so as to bring it within the limits aforesaid.

19. (1) No concession shall be valid which purports to confer any rights over an area exceeding—

(*a*) in the case of land in respect of which rights of mining are conferred by such concession, five square miles;

(*b*) in the case of land in respect of which rights to cut timber or to collect rubber, or relating to other products of the soil are conferred, twenty square miles.

(2) No person shall hold at one time concessions the aggregate area of which shall exceed, in the case of mining rights, twenty square miles, or in the case of rights relating to timber, rubber, or other products of the soil, forty square miles.

(3) Where a concession purports to confer rights in respect of any area exceeding the limits aforesaid, the Court may issue a certificate of validity declaring the concession valid in respect of a portion of such area, which may be selected by the holder of the concession not exceeding such limits, and shall declare the concession void in respect of the residue.

(4) The provisions of this section shall not apply to any concession dated prior to the 10th day of October 1895.

20. Every instrument by which the rights or any portion thereof granted by any concession in respect of which the Court has issued a certificate of validity may be transferred, assigned, or surrendered, shall be registered under the Land Registry Ordinance, 1895, and shall be subject to a stamp duty, in addition to any other duty payable by law, of £1 for every square mile or portion of a square mile of the area in respect of which any rights are thereby transferred, assigned, or surrendered. This section and section 24 shall be read with the Stamp Ordinance, 1889.

21. The certificate of validity shall be good and valid from the date of such certificate as against any person claiming adversely thereto, and in the event of the land therein referred to being declared to be the property of any person other than the one mentioned in such certificate of validity, the Court shall, on the application of the holder of the said certificate, substitute the name of such owner.

22. Notice of the termination of the rights granted under any concession in respect of which a certificate of validity has been issued shall be given in writing by the person entitled to the possession of the land comprised in such concession to the Registrar of the Court, who shall report the same to the Governor.

23. Any rent or other periodical sum payable under any certified concession to any native shall be paid in the prescribed manner by the holder of such concession to the Treasurer, and by the Treasurer to such native, and such payment to the Treasurer shall be a complete discharge to the person making the same.

24. No person shall, after the coming into force of this Ordinance, exercise any right under any concession which purports to grant any option of prospecting for minerals or precious stones without a licence from the Governor in the form set forth in Schedule B hereto. Every such licence shall be subject to a stamp duty of thirty pounds. The Governor may grant such a licence to any person claiming to be entitled to the benefit of any concession in respect of land comprised in any concession notwithstanding that such concession has not been adjudicated upon by the Court, but if such concession shall be declared invalid by the Court such licence shall thereupon become void.

25. Any person prospecting for minerals or precious stones without a licence, and any person prospecting or mining without first having obtained a concession granting him the right so to do from the chief or native having power to grant such right, shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds, but this provision shall not apply to natives mining according to native custom.

26. The duties and charges by this Ordinance made payable shall be under the direction and management of the Treasurer, who is hereby empowered to employ all such officers or other persons and to do all such acts and things as may be necessary or expedient for collecting, receiving, and accounting for such duties and charges.

27. Every holder of a concession shall as from the date of the coming into force of this Ordinance be charged with the payment to Her Majesty of the following duty, namely, one shilling for every twenty

shillings of the annual amount of all profits made from or in respect of the exercise of the rights conferred by such concession.

32. The Treasurer shall assess in each case the amount of duty with which every holder of a concession shall be charged in respect of profits as in this Ordinance provided, and such assessment shall, subject to appeal, as hereinafter provided, be final and conclusive.

34. The Treasurer acting under this Ordinance shall have the powers of the Supreme Court to summon the persons above-mentioned, and to call for the production of books, accounts, vouchers, and papers, and to examine such persons on oath, which oath the Treasurer is hereby empowered to administer. All summonses for the attendance of such persons or for the production of documents shall be in the prescribed form.

37. The Treasurer shall not be liable to any action or suit for any matter or thing done by him in pursuance of this Ordinance.

41. If any person shall think himself aggrieved by any assessment under this Ordinance, it shall be lawful for him within one month after service of the notice of assessment, under section 39 hereof, to appeal to the Court, and the decision of the Court shall, in respect to all matters relating to such assessment, be final and conclusive.

44. Every person entitled to the benefit of any concession not ordinarily resident in the Colony shall appoint an attorney to represent him in all matters relating to such concession, and notice in writing of every such appointment and of any change of such appointment, with a copy of the document of appointment, shall be given to the Colonial Secretary.

45. No Government officer shall acquire or hold any right or interest under any concession, and any concession purporting to confer any such right or interest on any such officer shall be void.

46. No bye-laws made in exercise of power conferred on native chiefs by the Gold Coast Native Jurisdiction Ordinance, 1883, for regulating mines and mining for gold and other minerals, shall apply to interfere with any rights conferred by any concession in respect of which a certificate of validity has been issued.

Rules relating to Concessions in Ashanti.

1. Application must, in the first instance, be made to the Governor, through the Colonial Secretary, for permission to prospect.

2. The Governor, if the application appears to be one which can be granted, will so acquaint the Resident at Kumasi and advise the applicant.

3. The applicant will present his letter of advice to the Resident at Kumasi, who, if he is unaware of any local objection to the application, will issue a licence to prospect in the locality named by the applicant, and will at the same time acquaint the chief or chiefs concerned, and instruct them to give the necessary facilities.

4. A licence fee of £10 will be paid by the applicant upon the issue of the licence, for which he will be given a receipt.

5. The licence will run for a period of three months from the date of its issue, but may, at the discretion of the Resident, be renewed for further periods of three months each upon payment of a fee of £10 for each period.

6. A licence may be issued to different prospectors for the same locality.

7. The holder of a prospector's licence may remove from the locality in which he has prospected a sufficient quantity of quartz or alluvial gold or rubber or other product of economic value to serve as specimens, but he must declare them to the Resident, and state the name or position of the place or places from which they were taken.

8. The holder of a prospector's licence may apply to the native chief or chiefs concerned for a concession of gold-mining or other rights over land in the locality in which he was licensed to prospect, and the native chief or chiefs concerned may grant the concession if they are willing to do so.

9. A gold-mining concession is not to exceed an area of five square miles.

10. A concession is not to be granted by native chiefs for a longer period than ninety-nine years, nor in respect of any land which has not been prospected under a licence granted by the Resident.

11. The chief or chiefs concerned are to be advised by the Resident of the terms of rules 9 and 10.

12. Every application for a concession of mining or other rights must be notified to the Resident, who will instruct the native chief or chiefs concerned to appear before him, and will ascertain from them in the presence of the applicant whether they are willing to grant the concession applied for, and are prepared to co-operate in the supply of labour, and so forth. He will arrange with the applicant, in the presence of the native chief or chiefs concerned, the sum which they should receive annually in consideration of the concession.

13. The terms of the agreement made between the applicant and the native chief or chiefs concerned are to be embodied by the former in a deed of agreement which is to be signed by the interested parties in the presence of the Resident. The deed is to contain full particulars of boundaries and a suitable plan showing them.

14. The chief or chiefs concerned are to be advised that the remuneration agreed upon will be paid direct to them by the Resident.

15. Every notification of application for a concession, which must be accompanied by the prospector's licence, will, upon receipt by the Resident, be marked by him with the date and time of receipt, and applications for concessions in the same locality will be considered and dealt with in the order of their receipt.

16. The applicant is to be advised by the Resident that his deed has to be submitted to the Governor for recognition of his claim to the concession referred to in it.

17. The applicant will be advised by the Governor of the terms on which, subject to the examination of the claim by the Concessions Court and any order of that Court as to royalties, fees, and other payments, provisional recognition of the claim will be given.

18. The Resident will warn the kings and chiefs of Ashanti to give no facilities to unlicensed prospectors.

19. A claim for provisional recognition of a concession of mining or other rights over land in Ashanti will not be considered unless these rules have been observed.

CHAPTER XIII.

THE CAPE OF GOOD HOPE COLONY.

Mineral Productions.—The principal mineral productions of Cape Colony, including Bechuanaland, Basutoland, Pondoland, and Griqualand, are diamonds, copper, and coal. The gold-mining industry has not up to the present time reached any considerable proportions.

Legislative Acts.—The mining law of the Colony is embodied in two legislative Acts—the Precious Stones Act, 1899, and the Precious Minerals Act, 1898. Many of the provisions of these two Acts are identical, and the general principle under which precious minerals—which is taken to mean gold, silver, and platinum—are worked is the claim system, greatly modified by the recognition of the rights of both the ground landlord and the Government. Coal and copper, with other minerals, are worked under special concessions granted by the Government or the private landowner, as the case may be.

Prospecting Licence.—Under the two Acts which regulate the prospecting for and working of precious minerals and precious stones, which practically means gold and diamonds, any person, apparently without distinction of race or sex, may obtain a prospecting licence on application at the office of any Civil Commissioner in the Colony, on payment of a fee of two shillings and sixpence for each month of its duration in advance. This licence entitles the holder to the exclusive right to prospect for gold or precious stones within a prospecting area marked off by himself as a rectangular block of ground measuring 7500 feet by 800 (about 138 acres), which area he may change from time to time, provided that in doing so the rights of other prospectors are not interfered with.

Claims.—On the first discovery of payable mineral on land legally open to prospecting, the discoverer has the right to locate for himself a block of twenty-five gold or fifty diamond claims,

each claim measuring 150 feet along the strike of or across the deposit. These are known as discovery claims. This discovery must be declared and the claims registered at once at the office of the Civil Commissioner of the district, and no two sets of discovery claims are allowed on the same line of continuous reef at a less distance than six miles apart from each other. When a first discovery of payable gold is made in any district, the discoverer is entitled, in addition to his discovery claims, to a reward of £5000, if within five years twenty-five thousand ounces of gold are obtained in the district.

On the discovery of reputed payable gold or diamonds on any Government land, or on any other land with the consent of the owner thereof, the Government may proclaim the whole or any part of such land to be a public digging, either reef or alluvial as the case may be; and on this land, after the discoverer's claims, and also those accruing to the landowner, if any, are allotted, all persons holding prospecting licences may locate claims in a prescribed manner. Reef claims are to measure 150 × 800 feet, and alluvial claims are to be 150 feet square, or, in the case of diamond diggings, a size to be determined in each case by the Government and notified by proclamation—generally 30 feet square. All claims have to be registered at the office of the Civil Commissioner, and a rental of twenty shillings per claim per month on reef claims, or two shillings and sixpence per month on alluvial claims, kept always paid in advance. This, while the claims are continuously worked, secures the title. If left unworked for four consecutive months, the licence money is doubled for each succeeding four months; and if this is left unpaid for three months, the claims are forfeited.

Mining Leases.—On any Government land not proclaimed as a public digging, or on any abandoned public diggings—that is to say, those on which work has not been carried on for three months on at least five claims—mining leases may be granted by the Government at discretion. The private owner of any land may, if he pleases, preserve his land from prospecting by refusing to allow entry on it for such a purpose, and by so doing may also prevent the declaration of it as a public digging. In all cases where private land is declared as a public digging by the Government, the owner retains the right to a three-quarters share of all the claim licence fees paid for claims located on it, and also to a mining lease of one-tenth of his estate, if valuable minerals have been discovered upon it; but this is not to include the discoverer's claims, whether these accrue to the landowner or not.

Special Registration of Blocks of Claims.—Owners of blocks of claims, after having the ground properly surveyed and paying certain fees, may obtain a certificate of special registration, which, so long as its conditions are observed, constitutes an indefeasible title to the mine. The two Mining Acts also include detailed instructions and regulations for the constitution and conduct of local mining boards and diggers' committees which, in these days of rapid communication with Government centres, and the general passing of the diggings into the hands of mining companies, are obsolete and no longer of any particular interest.

EXTRACTS FROM THE PRECIOUS MINERALS ACT OF 1898—CAPE OF GOOD HOPE COLONY.

1. Nothing in this Act contained shall be taken to affect land the title to which does not contain a reservation to the Crown of precious stones and minerals. The expression "private property," wherever it occurs in this Act, shall be taken to mean exclusively private property the title to which does not contain a reservation.

3. In the interpretation of this Act, unless repugnant to the context, the following words and expressions shall have the meaning following:—

The word "claim" shall be taken to mean any portion of ground assigned for mining purposes of a size fixed by this Act.

The word "minerals" shall be held to mean gold, silver, or platinum.

"Peg off," "peg out"—these terms shall be used synonymously to denote performance of any of the ways prescribed by this Act as necessary to be done to define the boundaries of a claim for the purpose of appropriation.

"Reef digging," "alluvial digging," shall respectively mean any place where minerals have been discovered and which has been proclaimed such by the Governor.

"Reef" shall be understood to include all forms of ore deposits containing gold, silver, or platinum occurring in the earth's crust that have been deposited subsequently to the formation of the enclosing country rocks. It shall include "metalliferous bankets."

4. Any person shall be at liberty to take out, at the office of any Civil Commissioner in the Colony, a licence to prospect and search for minerals on Crown lands or on private property, on satisfying the Civil Commissioner that he is a person of good character. Such licence shall bear a stamp of the value of two shillings and sixpence for each month.

5. A prospecting licence issued under the preceding section shall be in the form set forth in the Second Schedule to this Act, and shall give to the holder, for the period therein mentioned not exceeding twelve months, the right to prospect and search for minerals on Crown lands, and, subject to the consent of the owner, on private property

throughout the Colony, and no one shall be allowed to prospect or search for minerals on such lands without obtaining such licence.

6. No owner of private property shall be bound or obliged to permit or allow any licensed prospector to prospect for minerals upon such property, but he may give and grant to any prospector duly licensed leave to prospect thereon, or upon such portion thereof as he may point out, for such lawful consideration and subject to such lawful terms and conditions as may be agreed upon between them, provided that a prospector who, at the date of the promulgation of this Act, has lawfully pegged out under a prospecting licence for minerals any prospecting area in British Bechuanaland on private property shall be entitled to continue prospecting in such area without the consent of the owner of such property, during the currency of such licence or any renewal thereof for a period not exceeding six months reckoned from the date of such promulgation.

7. A duly licensed prospector shall have the exclusive right of prospecting on Crown land within a rectangular area hereinafter called a prospecting area, seven thousand five hundred feet long and eight hundred feet broad, at each corner of which it shall be his duty to put in pegs not less than two feet in height above the ground. Any such prospector shall during the currency of his licence be at liberty to move such pegs to any other spot on Crown lands lawfully open to him, provided such spot or area does not interfere with the prospecting area of any other duly licensed prospector.

9. Every person who shall be the holder of a prospecting licence under the provisions of this Act, or of any other law, shall be bound and obliged, in respect of any prospecting area on Crown lands pegged out by him, to prospect therein *bonâ fide* to the satisfaction of the Governor; and if he shall fail so to do, it shall be lawful for the Governor forthwith to cancel such licence as far as such area is concerned, and thereupon such holder shall not again be permitted to prospect within such area for a period of six months, and such area shall thereupon be open to any licensed prospector to prospect thereon.

12. It shall be the duty of any person who shall find any minerals whilst prospecting under a licence, forthwith to give notice thereof to the Civil Commissioner of the division in which he has found them, and any person who shall fail to do so shall be liable, upon conviction thereof before any Magistrate, to pay a fine not exceeding fifty pounds (£50) sterling, and in default of payment, to imprisonment with or without hard labour for any period not exceeding six months.

13. It shall be the duty of any person who shall find any minerals in payable quantities whilst prospecting under a licence forthwith to make a solemn declaration of the finding of the same, and to lodge such declaration with the Civil Commissioner of the division in which he has found them; and any person who shall fail to do so shall be liable, upon conviction thereof before any Magistrate, to the penalties provided in the preceding section.

14. Any holder of a prospecting licence under the provisions of this Act or of any of the laws referred to in the First Schedule, who shall prove to the satisfaction of the Civil Commissioner, with whom he has

lodged the declaration mentioned in the preceding section, that he has found minerals in a reef in payable quantities under such licence, shall be entitled to peg out twenty-five claims in block at the place where such minerals shall have been found, upon the proclamation of the said place as a reef digging, and shall receive a certificate from the Civil Commissioner that he is so entitled. Such claims as aforesaid shall be pegged out prior to the pegging out of any other claims in the said digging, and shall be free of licence moneys as long as they are held by such discoverer in his own right. Upon the granting of such certificate as aforesaid, the discoverer's rights under his prospecting licence within the place to which the certificate refers shall cease and determine.

15. The size of a claim in a reef digging shall be one hundred and fifty feet in the direction of the reef and eight hundred feet broad either across or on one side of the reef. When the discovery is made on private property, the discoverer shall be bound to select his claims within the limits of such property, and if the discovery is made on Crown land he shall be bound to select his claims so that in the direction of the reef they shall be entirely within his prospecting area, but in breadth across the reef they may fall partly within and partly without such area.

16. No prospector shall be entitled to discoverers' claims if the discovery made by him is of the same continuous reef as that in respect of which the certificate mentioned in section 14 of this Act has already been granted, unless it be distant at least six miles from the place referred to in such certificate: Provided that if any prospecting area be included in a proclaimed reef digging any prospector holding a prospecting licence current within the boundaries of the digging at the date of its proclamation shall be entitled, on payment of the licence money thereon one month in advance, to peg out two claims within the boundaries of the digging and to have the same registered in his name.

17. It shall be lawful for the holder of the certificate mentioned in the 14th section of this Act, should the Governor not see fit to proclaim a reef digging at the place referred to in the certificate within three months after the granting of the same, to peg out and hold, subject to the terms and conditions of any agreement between himself and the owner, when such place is on private property, the claims to which the said certificate entitles him in the same manner and with the same rights and obligations in every respect as if such place had been proclaimed a reef digging: Provided that nothing herein contained shall be deemed or taken in any way to interfere with the rights and power of the Governor at any time to proclaim a reef digging including the claims so pegged out; and provided further that all such claims and any transfers of them shall be registered with the Registrar of Claims in the same way as if such claims were in a proclaimed digging in manner hereinafter provided.

18. It shall be lawful for the Governor, after such certificate as aforesaid has been granted in respect of a discovery of minerals in Crown lands, if he shall not see fit to proclaim the place at which the discovery has been made a reef digging within three months from the date of

such certificate, to grant a lease to the holder thereof of such portion of Crown land, including the prospecting area in which the discovery has been made, as to the Governor may seem expedient, but not exceeding one hundred morgen, together with such depositing sites and servitudes on Crown land adjoining the portion leased as may be necessary for the proper digging for minerals in such portion

19. The said lease shall be for the period of five years, with the right to the lessee of renewing it from time to time for further periods of five years, at an annual rental of ten shillings per morgen in respect of the portion so leased, and such lease shall, in addition to the ordinary rights of a lessee of farm land, give to the lessee the sole and exclusive right to all minerals in the portion of land leased, and the right to sub-let, assign or alienate his lease.

20. The first discoverer of gold in reef in any division of this Colony shall be entitled to receive from the Government the sum of five thousand pounds (£5000), if within five years after such discovery at least twenty-five thousand ounces of gold shall have been registered as extracted from that reef within such division.

25. Whenever minerals shall be discovered on Crown lands or on private property and the Governor shall be satisfied, after taking the steps mentioned in section 21 of this Act, that minerals exist in payable quantities, it shall be lawful for the Governor to proclaim such area as shall be described a reef digging or alluvial digging as the case may be, and the Governor shall be empowered from time to time as occasion may require to make all such rules, orders, regulations or bye-laws as he may deem necessary or expedient for the proper laying-out, surveying, enlargement or contraction of any mining areas and depositing floors in connection with such diggings, and generally all matters and things connected with the proper and efficient working thereof.

27. No private property or any portion thereof shall be proclaimed by the Governor as forming the whole or any portion of a reef digging or alluvial digging or mining area, until the expiration of three months from the date of a notice in writing to be given by the Civil Commissioner for the division wherein such land is situate to the owner thereof, and every such proclamation shall reserve to such owner the free and uninterrupted use of his homestead, meaning thereby a circular area of two hundred yards in all directions round the principal house as a centre, together with all buildings and kraals that may be situate outside that area, and of all cultivated land, which shall not be deemed to be included in such proclaimed area, and also the full and preferent right to so much water as such owner shall require for domestic purposes and for the purposes of irrigation and watering stock, or driving any mill or machinery in existence at the time of the area being proclaimed as aforesaid, or for the purpose of mining or digging for minerals in ground held under a mining lease granted to the owner as hereinafter provided.

29. It shall not be lawful for the Governor to proclaim any portion of private property a reef digging or alluvial digging so long as the owner thereof does not himself prospect thereon for minerals or give

permission to duly licensed prospectors to do so; nor shall it be lawful for the Governor to proclaim any portion of private property a mining area for any digging situate on some other property without the consent of the owner thereof.

30. Prior to the proclamation of any area as a reef digging, alluvial digging or mining area, the extent of such area shall be surveyed and the boundaries indicated, except where natural boundaries exist, by beacons of not less than three feet above the ground and not more than one thousand yards from each other.

32. No Crown land or private property on which a reef digging has been proclaimed shall be available for "pegging off" claims until the proclamation proclaiming the same shall have been read on the ground proclaimed by the Inspector or some other official appointed in that behalf, and on a day notice of which shall be given in the *Gazette* at least two weeks prior thereto.

33. After reading of such proclamation as aforesaid it shall be lawful for any male person of full age to peg off on the area proclaimed a reef digging, after the discoverer and the prospector referred to in section 16 of this Act have pegged off the claims to which they are entitled under this Act, any number of claims not exceeding five. For each claim pegged off by such person he shall take out at the office of the Registrar of Claims a certificate of registration, as hereinafter provided, within six days from the date of such pegging off as aforesaid.

40. Every claimholder shall receive a certificate of registration in the form contained in the Third Schedule hereto: Provided that no firm or joint-stock company shall be entitled to be registered as holding claims except in the name or names of not more than two persons resident in the division in which such claims shall be situated, as the duly accredited agent or agents of such firm or joint-stock company, and such agent or agents shall be responsible for all matters connected with the claim or claims for which he or they shall be so registered, exactly as if such claim or claims were registered in his or their own name or names as his or their property.

41. Every certificate of the registration of a claim or portion of a claim in any reef digging situated or being in or upon Crown lands or private property shall be covered by a stamp of twenty shillings for each month for which such claim or portion of a claim is registered, payable in advance.

44. Every certificate of transfer of a claim or portion of a claim in any reef digging shall bear a stamp of not less than two shillings and sixpence, but if the sum for which such claim is sold shall be more than fifty pounds, then the certificate shall bear stamps, being for transfer duty, at the rate of one pound sterling for every £100 of the purchase money.

46. In all cases where two or more claimholders in any reef digging shall amalgamate their respective claims, the certificate of the transfer effected for the purpose of carrying out such amalgamation shall bear stamps at the rate of five shillings for every £100 or portion of £100 of the assessed value, or if there shall be no assessment, of the declared value of the claims so amalgamated: Provided that the amount of stamps

shall in no case exceed the amount of £200; and provided further that the solemn declarations required in the purchase, sale and exchange of property under the Transfer Duty Act, 1884, shall be required in the purchase, sale and exchange of claims in a reef digging.

48. Whenever any claim in a reef digging shall have been proved to the satisfaction of the Inspector or other officer duly appointed in that behalf to have remained unworked for a period of four months, it shall be lawful for the said Inspector after notice to the registered holder of such claim, in case such holder shall not have obtained the certificate of protection as provided in the next succeeding section, to double the licence money thereon from the date of such notice until it is proved to his satisfaction that such claim is being worked; and if, after such notice as aforesaid, the said claim remains unworked for a further period of four months, it shall be lawful for the Minister again to double the licence money to be paid in respect thereof, that is to say to make it four times the original amount from the date of notice thereof to the said claimholder until such time as it is proved to his satisfaction that such claim is being worked: Provided that when more than one claim is held by one person the increased licence moneys aforesaid shall apply to each of such claims, but it shall be sufficient for the purposes of this section if work has been done on any one of such claims.

54. Any reef digging situate on Crown lands or on private property in which the digging or mining operations shall not be and shall not have been for a period of twelve weeks carried on in five claims in all in such diggings to the satisfaction of the Inspector, and in respect of which the licence on nine-tenths or more of all the claims in such digging shall not have been paid for a period of two months, may be proclaimed abandoned, and shall forthwith on such proclamation be closed; but such digging or any portion thereof may at any time, under and subject to the provisions of this Act, be again proclaimed a reef digging: Provided that if in any continuous portion of a reef digging situated on Crown land or on private property, being in extent not less than one-fourth of the total area of such proclaimed digging, all the claims therein shall have been declared abandoned, such portion of the digging may be declared abandoned and excluded from the area proclaimed as a digging; provided that at any future date the area so declared abandoned may be again re-proclaimed either as portion of the original digging or as a separate digging.

55. It shall be at all times lawful for the Governor to grant a lease of any abandoned reef digging or any portion thereof when the same is situated on Crown land or on private property, after the same has been declared abandoned, or any Crown land adjoining such abandoned digging, and to frame regulations for the granting of such leases; and in any lease so granted the following terms and conditions shall, amongst others, be inserted:—

(*a*) The lease shall be for a term of two years, with a right of renewal from time to time at the option of the lessee for the same period.

(*b*) The rent reserved shall be a royalty of not less than £1 per centum on the gross amount realised by the sale of minerals yielded by

the property leased, to be paid from time to time as the same are sold, and payment of a sum at a rate per morgen or portion of a morgen as may be fixed by the Governor, which latter amount shall be payable half-yearly in advance.

(*c*) The lease shall be granted solely for the purpose of mining for minerals.

(*d*) The lessee shall be bound during the term of his lease to carry on mining operations to the satisfaction of the Inspector, due regard being had to the special circumstances of each case.

(*e*) The lessee shall have power to sub-let or assign, subject to the approval of the Governor, and any such sub-lease or assignment shall be registered in the office of the Registrar of Deeds.

(*f*) The lessee shall keep proper books, in which shall be entered the quantity of minerals realised from the land leased, and all such books shall be open to the inspection of the Civil Commissioner of the division, or other person duly appointed, at all reasonable times:

Provided that the lessee as aforesaid shall be entitled to occupy a sufficient area for depositing sites for machinery or other mining purposes beyond the margin of the digging proper, and in the case of any abandoned digging being situate on private property, the owner of such property shall be entitled to receive from the lessee, by way of compensation for the ground required or leased with such abandoned digging as aforesaid, such sum as may be determined by mutual agreement or by arbitration in the manner provided by the Lands and Arbitration Clauses Act, No. 6 of 1882.

Every owner of private property may without taking out any licence lawfully prospect thereon for minerals, and shall be deemed and taken in law to be entitled, in respect of every discovery of minerals made by him while so prospecting, to the same rights to which any licensed prospector would have been entitled had he made such discovery: Provided, however, that every such owner shall be under the same obligations as a licensed prospector of giving information to the Civil Commissioner of the division in which such land is situated of any discovery by him of minerals and of making a solemn declaration of the finding thereof in payable quantities when he has so found them; and if he shall fail to do so he shall be liable to forfeit all rights reserved to him under this Act.

63. The owner of any private property on which a reef digging or portion thereof shall be proclaimed under the provisions of this Act shall be entitled to demand and receive from the Public Treasury three-fourths of the licence money collected by the Government in respect of each claim in such digging for which he provides to the satisfaction of the Inspector of such digging a depositing site as aforesaid. When any abandoned reef digging or portion thereof on private property shall be or shall have been leased for digging operations as aforesaid, the owner of such property shall be entitled to receive from the Government one-half of the rents and royalties collected by the Government in respect of such lease; and the persons appointed in that behalf shall be bound to keep books showing the amount of all such moneys, and shall account for and pay over to such owner at the end of every half-year all sums

of money due to such owner as aforesaid, and shall afford to such owner, at all reasonable times, inspection of such books.

64. At any time within three months after the declaration mentioned in the 13th section of this Act has been lodged in regard to minerals discovered on private property the owner hereof shall be entitled to claim and demand from the Government a mining lease of a proportion of his property to be by him selected not exceeding one-tenth of the entire extent of such property held by one title-deed, which lease shall be in writing signed by such owner and by the Civil Commissioner of the division in which such property is situated, and such lease shall be for a term of not less than two years, nor more than five, and shall embody an agreement that the lessee shall have the right to renew such lease or any renewal thereof for any period not exceeding five years, and shall provide for an annual payment in advance by the lessee of two shillings per morgen in respect of such one-tenth portion of such property; and upon the execution of any such lease and upon condition of conforming to its terms, conditions and stipulations every such owner shall be entitled in respect of such portion of his property to all rights and powers which would be vested, and subject to all the liabilities which would be imposed, by any law in and upon him, in case the title to such property had not been subject to any reservation to the Crown of precious stones and minerals: Provided, however, that no royalty shall be payable to the Government in respect of any minerals found thereafter in or upon such property; and provided that such lease and every renewal thereof shall forthwith after its execution be registered together with the title-deeds of such property in the office of the Registrar of Deeds.

65. The ground leased under the last preceding section shall not include the claims to which the discoverer of the minerals is entitled under this Act, and such discoverer shall on being required to do so by the owner forthwith select the claims to which he is entitled, so that the owner may define the ground to be included in his mining lease. Such ground shall be bounded by not more than four straight lines, and for this purpose one of the boundaries of the private property shall be deemed and taken to be one straight line: Provided that in measuring the extent of the ground leased as aforesaid the reef may not be taken lengthwise only, but the proportion of breadth to length shall be at the highest as one to two.

68. If the ground for which a mining lease has been granted as aforesaid is not worked, the said lease shall not be renewed except with the express written consent of the Government, and if the Government refuse to consent to such renewal the said ground on being proclaimed a reef digging, if not already so proclaimed, may be pegged out as claims in the same manner as is provided in this Act for the "pegging out" claims in a reef digging.

69. If the owner of private property is the discoverer of minerals thereon he shall be entitled in addition to such mining lease as aforesaid to "discoverer's claims" under this Act.

77. A certificate of special registration shall be conclusive evidence of the right of the holder thereof to the claim or claims in respect of

which it has been issued, unless such claim or claims have been abandoned by the holder or been declared abandoned by the Inspector under the provisions of this Act.

109. It shall be lawful for the Governor from time to time to proclaim rules and regulations concerning the manner of working claims and machinery at any digging and for the regulation of all works within the mining area, in so far as the protection of life and limb is concerned, and generally for the proper management of all diggings, and to fix the penalties for the breach of such rules and regulations, not exceeding those in the next succeeding section mentioned, and such rules and regulations shall, on being proclaimed, have the force and effect of law at the digging referred to in such proclamation as aforesaid, until the same are cancelled, altered or amended by any subsequent proclamation made under and by virtue of the provisions of this section.

112. All gold found or extracted within the limits of proclaimed reef or alluvial diggings shall be registered at the office of the Inspector not later than the 2nd day of the month following that in which such gold may be found or extracted, and any person who shall contravene this section shall be liable to a fine not exceeding ten pounds sterling.

113. The Native Reserves in British Bechuanaland defined in the Schedule to Proclamation No. 220 B.B., 1895, shall for the purposes of this Act be treated as Crown lands: Provided that as compensation for the surface damage caused by the proclaiming of any reef or alluvial digging on any such Reserves, the provisions of sections 63 and 106 of this Act shall apply to such Reserve as if it were private property and the Civil Commissioner of the division in which it is situate the owner thereof. The moneys received by such Civil Commissioner under the provisions of the said sections shall be applied by him to the purposes mentioned in section 7 of proclamation No. 220 B.B., 1895.

THE PRECIOUS STONES ACT, 1899.

Under this Act the provisions of Clauses 1, 4, 5, 6, 12, 13, 14, 41, 55, 59, and 63 of the above-quoted Precious Minerals Act, 1898, are also in force.

3. In the interpretation of this Act, unless repugnant to the context, the following words and expressions shall have the meaning following:—

The word "claim" shall be taken to mean any portion of ground assigned for mining purposes, within any proclaimed "mine" or "alluvial diggings," and shall in the case of a "mine" be a square figure measuring not more than thirty feet each way.

The words "reef or shaly ground" shall be taken to apply to the shale rock or soil outside and around diamondiferous claims, and shall not include what is commonly known as "floating shale" or shale and rock in or covering the actual claims.

The word "mine" shall mean a place where precious stones have been found, and which has been or shall be duly proclaimed as such by the Governor.

7. A duly licensed prospector shall have the exclusive right of prospecting on Crown land within a circular area, hereinafter called a prospecting area, of one thousand yards in diameter, at the centre of which it shall be his duty to erect a beacon and affix thereon a signboard bearing the words "Centre of Prospecting Area under Licence No. issued by the Civil Commissioner for the Division of ," and the name of the prospector. Any such prospector shall, during the currency of his licence, be at liberty to move such beacon to any other spot on Crown land lawfully open to him, provided such spot or area does not interfere with the prospecting area of any other duly licensed prospector.

11. It shall be the duty of any person who shall find any precious stones while prospecting under a licence, within one month to give notice thereof to the Civil Commissioner of the division in which he has found them, and thereafter to make, once in each month, during any part of which he prospects at the place where he has found precious stones as aforesaid, a solemn declaration of the number and value of the precious stones found by him, and of the amount of ground measured in loads of sixteen cubic feet to each load which has yielded the same, and to lodge such declaration with such Civil Commissioner aforesaid; and any person who shall fail to give the notice aforesaid or to make the declaration duly required, shall upon conviction thereof before any Magistrate forfeit his licence and all benefits under it and be liable to pay a fine of fifty pounds sterling, and in default of payment to be imprisoned with or without hard labour for a period not exceeding twelve calendar months.

12. Any holder of a prospecting licence under the provisions of this Act or of any of the Acts referred to in the first schedule hereto, who shall prove to the satisfaction of the Civil Commissioner with whom he has lodged the declaration mentioned in the preceding section that he has discovered precious stones in payable quantities, shall be entitled to select fifty claims in block at the place where such precious stones have been found on its being proclaimed a mine, and shall receive a certificate from the Civil Commissioner that he is so entitled. The said claims shall be selected prior to the allotment of any other claims in such mine, and shall be free of licence money as long as they are held by such discoverer.

Upon the granting of such certificate as aforesaid the discoverer's rights of prospecting under his licence within the place to which the certificate refers shall cease.

14. It shall be lawful for the holder of the certificate mentioned in the 12th section of this Act, should the Governor not see fit to proclaim a mine at the place referred to in the certificate within three months after the granting of same, to beacon off and hold, subject to the terms and conditions of any agreement between himself and the owner, where such place is on private property, the claims to which the said certificate entitles him in the same manner and with the same rights and obligations in every respect as if such place had been proclaimed a mine: Provided that nothing herein contained shall be deemed or taken in any way to interfere with the rights and power of the Governor at any time to proclaim a mine including the claims so beaconed off; and provided

further that all such claims and any transfer of them shall be registered with the Registrar of Claims in the same way as if such claims were in a proclaimed mine in manner hereinafter provided.

19. After the place where precious stones have been declared to have been found has been proclaimed a mine, and on a day notice of which shall be published in the *Gazette* and in some newspaper published in or circulating in the division in which the said mine is situate, at least once in each week for a period not less than four weeks prior to such day, the Inspector or some other person appointed in that behalf shall attend at the said mine for the purpose of allotting the claims therein, and shall have with him a plan of the said claims, properly surveyed and numbered, together with a plan showing generally the shape, dimensions and boundaries of the whole area available as depositing sites. The cost of the requisite surveys and plans shall, when the mine is on private property, be borne, as to the claims, equally by the Government and the owner, and as to the depositing sites, by the owner.

25. Every person to whom a claim has been allotted as aforesaid shall be obliged within six days of such allotment to take out a certificate of registration thereof, and on his failure to do so he shall be deemed to have abandoned the same, and the Inspector shall thereupon declare the same to be abandoned. Abandoned claims, when there is no Mining Board, or Board appointed under section 70 of this Act, for the time being representing the claimholders in the mine, shall be under the control of the Inspector, and shall be allotted by him on such terms and conditions as he may determine.

29. The Griqualand West Ordinance No. 6 of 1880, which provides for fixity of tenure in certain mines and diggings in Griqualand West, to the extent to which the provisions thereof are applicable to such mines and diggings, shall be and is hereby made applicable to all mines and alluvial diggings within the Colony.

34. Every certificate of transfer of a claim or portion of a claim in any mine shall have a stamp of not less than two shillings and sixpence, but if the sum for which such claim is sold shall be more than fifty pounds (£50), whether the same is paid in cash or other valuable consideration, then the certificate shall have stamps, being transfer duty, at the rate of ten shillings for every hundred pounds (£100) or portion of one hundred pounds of the declared value of such claim or portion of a claim, but in no case shall transfer dues exceed the sum of fifty pounds (£50) in respect of any one claim or portion of a claim.

37. The Inspector of any mine or other officer duly appointed in that behalf is hereby empowered to ask, demand, sue for, recover and receive all licence moneys, royalties, rents or transfer dues in respect of any claims in such mine: Provided that when the payment of such licence moneys or rents is six months or more in arrear the Inspector shall demand payment thereof by a letter addressed to the claimholder or his duly authorised agent at his last known address, or if the address of such claimholder or his duly authorised agent is not known to the Inspector, then by notice in any newspaper circulating in the division in which the mine is situated, or, if there be no such paper, in the

Gazette; and provided further that if within one month after such demand any claimholder fails to pay the amount in arrear his claim or claims in respect of which he is in arrear as aforesaid may be declared abandoned by the said Inspector, and he shall take such proceedings as he may be advised, to recover the amount in arrear. The provisions of this section shall apply to mines proclaimed prior to the taking effect of this Act, notwithstanding anything to the contrary in section 2. thereof.

39. No private property or any portion thereof shall without the consent of the owner be proclaimed by the Governor as forming the whole or any portion of a mine, alluvial digging, or mining area, until the expiration of three months from the date of a notice in writing to be given by the Civil Commissioner of the division wherein such land is situate to the owner thereof, and every such proclamation shall reserve to such owner the free and uninterrupted use of his homestead, meaning thereby a circular area of two hundred yards in all directions round the principal house as a centre, together with all buildings and kraals that may be situated outside that area, and of all cultivated lands, which shall not be deemed to be included in such proclaimed area, and also the full and preferent right to so much water as such owner shall require for domestic purposes and for the purposes of irrigation and watering stock or driving any mill or machinery in existence at the time of the area being proclaimed as aforesaid.

50. The term "owner" shall include all persons duly registered as the proprietors of land in the office of the Registrar of Deeds, but if in any case two or more persons shall be registered as the owners *pro indiviso* of any land, or as the holders or lessees of any land referred to in this Act, all rights and powers conferred upon or reserved to the owner of such land, or to such holders or lessees, by the provisions of this Act, shall be deemed and taken to be jointly and not severally conferred upon or reserved to such persons.

51. Whenever a mine shall be or shall have been declared as such it shall be lawful for the Minister to order the election of a Mining Board, and (subject to the provisions hereinafter contained) to frame all such rules and regulations as he may deem expedient for the more efficient management and control of such mine and of its mining area by such Mining Board, and each Mining Board shall elect a chairman and frame rules for its own guidance in its proceedings, and bye-laws for the management of the mine or mining area of the mine for which it is elected, and for the payment of the chairman and officers of the Board, which rules and bye-laws shall have legal force and effect on being promulgated in the *Gazette*, with the approval of the Governor, and shall remain in full force and effect, and shall govern every Mining Board or any body for the time being invested with the powers of a Mining Board and the mine for which they are passed, until cancelled, altered or amended by any Mining Board or representative body having proper authority so to cancel, alter or amend the same. The Governor may from time to time fix and determine the number and mode of election of members of any such Mining Board.

63. Every Mining Board shall be empowered to levy from time to

time rates for the general purposes of the mine upon the claims in the mine, and to fix tariffs for the removal of reef and water from the mine or the margin thereof, and the rates so levied and the tariffs so fixed shall be passed as bye-laws: Provided that reasonable notice, to the satisfaction of the Minister, shall in all cases be given of the intention of any Mining Board to submit any such bye-laws to the Governor for his approval.

64. Every Mining Board shall be empowered to levy from time to time rates upon all properties in the mining areas used or held to be used for mining purposes, and all moneys so received by rates shall be applied to the general purposes of the mine.

67. All claim property in any mine shall be exempted from the payment of any Divisional Council or municipal rate.

68. The Governor may upon petition from the majority of voters for the Mining Board, representing not less than half of the assessed property in the mine, dissolve the Mining Board, and may, by notice in the *Gazette*, direct the election of a new Mining Board for such mine, or appoint a Board in terms of the provisions of the 70th section of this Act.

71. In the event of nine-tenths in assessed value of any mine becoming the property or subject to the exclusive control of one person or firm, or partnership, or company, the Mining Board or Board appointed as aforesaid then existing shall be dissolved, and no fresh Mining Board, whilst the mine is so held, shall be elected or appointed.

113. When the place where precious stones have been discovered shall be proclaimed an alluvial digging or portion of an alluvial digging under the provisions of this Act, the owner of the property on which the said digging or portion thereof is situate shall be entitled to select next after the discoverer fifty claims therein, on payment by him of the licence moneys thereon one month in advance. If such owner is also the discoverer he shall be entitled to the claims mentioned in this section in addition to the discoverer's claims.

115. In case of a mine being discovered on or near an alluvial digging, the Governor may at any time by proclamation eliminate from the area of such digging so much ground as may be required for the purposes of the mine.

124. The Native Reserves in British Bechuanaland defined in the schedule to Proclamation No. 220 B.B., 1895, shall, for the purposes of this Act, be treated as Crown lands: Provided that as compensation for surface damage caused by the proclaiming of any mine or alluvial digging on any such Reserves the provisions of sections 47 and 114 shall apply to such Reserve as if it were private property and the Civil Commissioner of the division in which it is situated the owner thereof. The moneys received by such Civil Commissioner under the provisions of those sections shall be applied by him to the purposes mentioned in section 7 of Proclamation No. 220 B.B., 1895.

CHAPTER XIV.

NATAL.

Mineral Productions.—The principal mineral production of the Colony of Natal is coal. Gold, copper, lead, and iron have been discovered, but up to the present have not been worked to any considerable extent.

Mining Law and Regulations.—The mining law relating to the acquisition and tenure of mineral lands in the Colony is comprised in the Natal Mines Act (No. 43), 1899, which repeals all previous legislation, and also gives the force of law to a comprehensive code of mining regulations, including the granting of certificates of competency to managers of coal and metalliferous mines, with the usual provisions for the safe and efficient working of mines and machinery.

Prospecting Licence and Prospecting Claims and Mining Claims.—The Act provides that any white person, of either sex, over sixteen years of age and of European birth or descent, may obtain a prospecting licence on payment of a fee of one shilling for each three months during which it is in force. This prospecting licence entitles the holder to search for minerals on all unoccupied Government lands, and on private land under certain conditions in favour of the landholder, and to locate, personally or by proxy, one prospecting claim for each licence represented which in the case of gold is 300 x 300 yards, or 18½ acres. This claim must be registered, a fee of ten shillings paid, and a special licence obtained at the Mines Office of the district. The holder has then the exclusive right of prospecting on the claim during the time that he continues to pay the licence fee of ten shillings in advance for every three months, but not, under a prospecting licence, to remove any mineral for sale. The claim must be continuously worked, or an exemption licence obtained, for which a fee of £1, payable in advance for every three months, is charged. The holder of a prospecting claim may at any time convert it

into a mining claim by duly registering it as such and paying the regulation fee in advance of £1 per month. This mining licence confers mining rights so long as the payments are regularly made and the other conditions, as per Clause 31 of the Mines Act, are duly observed; and under certain regulations a number of these mining claims may be amalgamated into one property. On all mineral extracted a royalty of 1½ per cent., *ad valorem*, is payable to the Government.

The Principle of the Mining Law of Natal is a modified claim system respecting the rights both of the Government and the private landowner. The assessments of the royalty on the gross value of mineral extracted is a cumbersome method which would require revision if the precious metals were worked to any large extent in the Colony.

EXTRACTS FROM THE NATAL MINES ACT, 1899.

2. Law No. 34 of 1888, entitled "The Natal Mines Law, 1888," and the Zululand Proclamation No. VII. of 1894, are hereby repealed, but such repeal shall not affect:—

(*a*) The past operation of the said Law No. 34 of 1888, and the said Zululand Proclamation No. VII. of 1894, and of any prior Laws, Proclamations, or Regulations.

(*b*) Anything lawfully done under or validated by any of the said Laws or Proclamations mentioned in sub-section (*a*).

7. No officer appointed by the Governor in Council for the purpose of carrying into effect any of the provisions for this Act shall be allowed, either directly or indirectly, to possess any claim or claims, or any interest therein, or to hold any share or shares in a mining company or any syndicate or partnership relating to mining matters in the Colony of Natal, except such share or shares as such officer may hold at the time of his appointment, and be authorised to continue to hold by the Governor.

Any officer guilty of a breach of the provisions of this section may be suspended from office or may be dismissed.

8. Parcels of land to be called claims may be granted under and subject to the provisions of this Act as follows:—

Alluvial Claims of a size not exceeding 100 feet × 100 feet (0·229 acre), granted for the purpose of prospecting or mining for precious stones and alluvial minerals, and all other minerals.

Metal Claims of a size not exceeding 300 yards × 300 yards (18·595 acres), granted for the purpose of prospecting or mining for gold and other minerals, including coal, but excepting precious stones and alluvial minerals.

Mineral Claims of a size not exceeding 700 yards × 700 yards (101·239 acres), granted for the purpose of prospecting or mining for coal, limestone, stratified ironstone, slate, soapstone, and such other minerals as may from time to time be included by Government Notice by order of the Governor in Council.

9. The right of mining for and disposing of all minerals on lands situated in the Colony of Natal is vested in the Crown, subject to the provisions of this Act, and nothing in this Act regarding the prospecting, mining, or disposal of minerals shall abridge or control the rights and powers of Her Majesty in respect of such minerals, otherwise than is expressly provided in this Act.

10. It shall be lawful for any person to prospect and search for minerals on any Crown lands without a licence, so long as such prospecting is confined to a general examination of the surface, and that no excavations are made. He may also peg off not more than four claims in accordance with the provisions of this Act, but without a licence: Provided that unless he shall, within fourteen days from the date of pegging of any such claims, obtain a prospecting claim licence or licences, as hereinafter provided, such claim or claims shall be deemed to be abandoned.

12. Each prospecting claim licence shall entitle the holder to peg or cause to be pegged one prospecting claim on any Crown lands in the Colony, which claims he may hold subject to the provisions of this Act and regulations for the period for which the licence was granted or renewed.

13. Such prospecting claim shall be Registered, within a time to be fixed by the Regulations, at the Mines Office of the district in which such claim is situated, in a book to be kept for the purpose, and a fee of five shillings shall be paid for the registration of each claim, and certificate of registration to the said claim in the form of Schedule A shall thereupon be issued to the holder by the Deputy Commissioner: Provided that in the event of existing holdings being converted into prospecting claims under this Act, a registration fee of two shillings and sixpence shall be payable.

14. Prospecting claim licence fees shall be payable in advance, at the Mines Office of the district in which claims held in virtue thereof are registered.

15. On payment of the fee for the renewal of a prospecting claim licence, a new licence shall be issued to the claimholder at the Mines Office of the district where such claim is registered.

16. Prospecting claim and other licence fees may at any time be paid in advance for any number of months not exceeding twelve, but no refund will be made under any circumstances. Such licences shall be dated as of the date of issue, but may be expressed to run as from a date prior or subsequent to such date of issue.

17. If the licence in respect of any prospecting claim which has been registered for a less period than twelve months be not renewed within fourteen days of its due date, or if any other moneys due in respect of such claim remain unpaid for seven days after payment is due, notice shall be posted at the Mines Office of the district that such claim will be abandoned and open to be repegged, unless the said licence and other moneys be renewed and paid by a given date to be mentioned in the notice, which shall not be less than fourteen days after the posting of such notice; and in default of renewal and payment by the time stated in such notice, the claim may be abandoned by the Deputy Commissioner of Mines, and shall thereupon be open to be repegged.

18. If the licence in respect of a prospecting claim which has been continuously registered for a period of twelve months or more be not renewed within fourteen days of its due date, or if any other moneys due in respect of such claim remain unpaid for fourteen days after payment is due, notice shall be given to the claimholder by delivering the same at, or posting the same to, his registered address, and shall also be published in the *Natal Government Gazette* and one other newspaper, and posted at the Mines Office of the district, to the effect that such claim will be abandoned and open to be repegged on a date to be fixed, which shall not be less than twenty-one days from the date of publication of such notice in the *Natal Government Gazette* and one other newspaper, unless the said licences, and any other moneys due in respect of such claim, together with a fine at the rate of one pound per claim, be renewed and paid by the said date: Provided, however, that such fine as aforesaid shall not be payable if the said licences and any other moneys due be renewed and paid, or notice of abandonment of the claim by the claimholder given to the Deputy Commissioner, within twenty-eight days after the date of expiry of such licences. At the expiration of the term appointed by the notice the Deputy Commissioner may, unless the requirement thereof has been complied with, declare the same to be abandoned and open to be repegged.

19. The former owner of any claim abandoned as aforesaid shall not be allowed to repeg or acquire the same or any part thereof either directly or indirectly, except on payment of all the licence fees and the fine (if any) and all other money due in respect of such claim to date, and then only in the discretion of the Commissioner of Mines, and if no application for the said claim shall have been made by any other person.

20. The registered holder of a prospecting claim shall have the right to generally prospect the same, and to carry out such work, erect such buildings and machinery, and do such other acts and things on such claim as may be necessary to the *bonâ-fide* prospecting and development thereof:

Provided, however, that the sale or other disposal of any mineral extracted from such claim in the course of prospecting or development, and the extraction of any metal from its ore or the mineral containing it by any mechanical or chemical or other process for purposes of profit, shall be and is hereby prohibited, except under the special permission in writing of the Commissioner of Mines.

21. Prospecting claims may be amalgamated upon and subject to the conditions contained in the Regulations.

In the case of an amalgamated block of claims, work may be concentrated on one or more points, or distributed over such block, in the discretion of the holder or holders.

22. Every prospecting claim or amalgamated block of prospecting claims must be worked in accordance with the Regulations, or a licence as hereinafter provided must be obtained, exempting such claims from such work.

23. An exemption licence in the form of Schedule B will be granted for any claims, exempting the same from the working conditions referred to in the last preceding section, on payment of a fee of one pound for

each period of three months or less per claim, payable and renewable as in the case of prospecting claim licences.

24. If at any time it shall appear to the Commissioner of Mines to be detrimental to the public interests that any prospecting claim shall continue to be held as such, it shall be lawful for him to give notice to the claimholder to convert his prospecting claim into a mining claim, and to make the necessary application under the provisions of this Act and Regulations by the date stated in such notice, or by such date to show cause to the contrary by personal appearance or by forwarding to the Commissioner of Mines his objections, if any.

Such notice shall also be posted at the Mines Office of the district where such claim is situated. Upon receipt of such objections the Commissioner of Mines may, with the approval of the Minister, accept the same as sufficient, or may reject the same, and shall notify the claimholders accordingly.

In the event of the objections aforesaid being held insufficient, and in default of due compliance with such notice, then it shall be lawful for the Commissioner of Mines, with the approval of the Minister, to declare such prospecting claim to be abandoned, and all licences granted in respect thereof to be cancelled.

Mining.

25. The mining, extraction, and disposal of any mineral for the purposes of profit on or from any Crown lands is prohibited, except on and from ground duly registered as a mining claim in accordance with this Act, or otherwise lawfully held for such purposes under the provisions of any previous laws or proclamations.

26. No mining claim shall be beaconed off unless and until a mining claim licence shall have been first obtained as hereinafter provided.

27. The registered holder of a prospecting claim shall have the prior right to the registration of a mining claim on the ground held as such prospecting claim.

28. One or more mineral mining claim licences, and not more than four alluvial or metal mining claim licences, may be issued by the proper officer to any one person of either sex of European birth or descent over the age of sixteen years. Application for such licence must be made in person, unless the applicant is already the holder of a claim licence issued by the officer to whom such application is made.

29. The fee to be paid for every mining claim licence shall be two pounds per month for an alluvial or mineral claim and one pound per month for a metal claim for each month for which the same is to be in force, payable in advance, except in the cases hereinbefore provided for of claims granted in exchange for leases.

30. Each mining claim licence shall entitle the holder to peg or cause to be pegged one mining claim of the class mentioned in the licence on any Crown lands, which claim he may hold subject to the provisions of this Act and the Regulations for the period for which the licence is granted or renewed.

31. Every mining claim shall be registered within the time appointed

by the Regulations at the Mines Office of the district in which such claim is situated, in a book to be kept for the purpose, and a fee of ten shillings shall be paid for such registration, and a certificate of title to the said claim in the form of Schedule C, with surveyor's diagrams attached thereto, shall thereupon be issued to the holder, duly signed by the Minister, and upon the issue of such certificate the title to such mining claim shall be indefeasible, but the certificate of title shall be issued subject to such reservations as may be inserted under the provisions of this Act in that behalf.

39. The registered holder of a mining claim shall have the right to carry on mining operations, and erect such machinery, buildings, plant, and generally do all such acts and things in and upon such claim for the purpose of working the same and extracting minerals therefrom, and to turn such minerals to profitable account, subject to the conditions of this Act and the Regulations.

40. Mining claims may be amalgamated into blocks, as may be provided for in the Regulations.

Every mining claim or amalgamated block of mining claims must be worked in accordance with the Regulations, or a licence, as hereinafter provided, must be obtained exempting such claims from such work.

An exemption licence in the form of Schedule B will be granted for any claims exempting the same from the working conditions referred to in this section on payment of a fee of ten shillings per month per claim, payable and renewable as in the case of mining claim licences, and the fee for an exemption licence taken out after the fifteenth day of any month shall be five shillings per claim for the remainder of that month.

41. There shall be payable on all minerals extracted from Crown lands, under licences granted under this Act, a royalty at the rate of one and a half (1½) per centum, calculated on the value of such minerals at the mine.

The payment of such royalty shall be made at such times as may be provided in the Regulations.

Private Lands.

42. The provisions of this Act and of the Regulations framed thereunder in respect of Crown lands shall apply to all private lands, save as in this Act otherwise provided.

45. No person other than the owner shall be allowed to prospect on private lands unless with the consent of such owner, or as hereinafter provided.

Water Rights.

70. Water rights shall be granted to the registered holder of a prospecting or mining claim, or machine stand.

71. The licence fee for each water right shall be ten shillings per month, payable and renewable as in the case of other licences.

72. The holder of a water right shall have the right to collect, store, divert, convey, and use for mining purposes and the treatment of

minerals water from any source not exempted as hereinafter provided at the rate, under the conditions, and in the manner provided under this Act and the Regulations.

75. Every water right shall be registered at the Mines Office of the district in which the claim or machine stand with which it is connected is registered, in a book to be kept for the purpose, and a fee of ten shillings shall be paid for such registration, and a certificate of title to the said water right in the form of Schedule G, with surveyor's diagram attached thereto, shall thereupon be issued to the holder.

Transfers.

87. The holder of a licensed holding registered under this Act may cede and transfer the same, and the right, title, and interest therein, by cession duly executed in the form of Schedule I, or other legal document, but no cession of any such registered holding shall be recognised by the Commissioner of Mines unless and until it has been duly filed in the Mines Office of the district in which such licensed holding is situate, and registered in a book to be kept for the purpose: Provided that the cession of any licensed holding may carry with it the transfer of all the licences then current relating to the same.

89. The fee for the registration of every document of cession as aforesaid shall be the sum of one pound, whether the same includes the cession of one or more licensed holdings, and the fee for the endorsement on every certificate of title or of registration shall be the sum of two shillings and sixpence for every such endorsement.

90. Whenever any land owned by any person is sold, and the price paid or to be paid for such land includes a value put upon any gold, silver or precious stones supposed to be in or upon the said land, no transfer duty shall be charged or exacted by the Registrar of Deeds or other receiver of transfer duty in respect of the price or value of such gold, silver or precious stones, anything contained in Laws No. 5, 1860, and No. 19, 1883, to the contrary notwithstanding.

97. If at any time it shall come to the knowledge of the Commissioner of Mines (*a*) that there exist or are likely to exist alluvial minerals or precious stones on any claim already registered as a mineral claim, or (*b*) that there exist, or are likely to exist, on any registered mineral claim minerals such as would require for their prospecting or working that a metal claim or claims should be pegged under the provisions of this Act, then in any such case it shall be lawful for the Commissioner of Mines in his discretion, if he considers it in the public interest so to do, to grant permission to any licensed person or persons to peg one or more alluvial or metal claims, as the case may be, upon such mineral claims and cause the same to be registered upon payment of the fees and in compliance with the conditions thereto applying: Provided always that before granting or refusing such permission, the Commissioner of Mines shall ascertain to what extent, if any, the *bonâ-fide* operations of the original claimholder are likely to be interfered with, and moreover may, upon such registration, impose such conditions for the protection of the original claimholder, or otherwise, as he may think necessary.

107. Any licensed holder shall, save as is otherwise provided in regard to private lands, have such reasonable rights of grazing for horses, cattle and live-stock, and the use of such wood and water, as the Deputy Commissioner of Mines of the district in his discretion may see fit to grant.

109. It shall be the duty of every claimholder, before taking any steps to turn to profitable account any discovery or find of any mineral which may have been made on his claim, to at once make a sworn declaration in the form of Schedule L of the finding of the same, and to lodge such declaration, accompanied by specimens of the mineral declared, with the Deputy Commissioner of Mines, and any person who shall fail so to do shall be liable upon conviction to pay a fine not exceeding fifty pounds sterling, and in default of payment to be imprisoned, with or without hard labour, for any period not exceeding six months.

113. The owner of any property or holder of any claim or other licensed holding where prospecting, mining, or milling operations or any of them, or other operations of what nature soever in connection with the treatment of minerals are being carried on, shall furnish, or cause to be furnished, to the Deputy Commissioner of Mines a true and correct return of such operations at such times and in such form as may be provided for in the Regulations.

127. It shall be lawful for the Governor in Council from time to time to grant protection areas, reward claims, and the like, under such conditions as may be deemed necessary.

132. It shall not be lawful to sell or barter native gold or precious stones to any person or persons other than bankers, or persons licensed as hereinafter provided to trade in gold and precious stones.

The following are the Subjects for Examination for a Certificate of Competency for a Manager of Metalliferous Mines.

A. *Mining.*—The laying out and construction of shafts, chambers, winzes, stopes, and the underground workings, the system of working, the methods of timbering or otherwise supporting the workings, the drainage of mines and pumping appliances used therefor; the haulage in shafts and underground planes, and the strength of ropes and chains, the ventilation and lighting of mines; the tapping of water in mines, and construction of underground dams; blasting, and the use, nature, and properties of explosives; the construction and use of safety appliances, and generally all subjects connected with the working and development of metalliferous mines, or mines other than collieries.

B. *Mining Geology.*—Modes of occurrences of useful minerals; geology of Natal; the nature of reefs and other mineral deposits in Natal, and the principal rocks containing them; law of faults and disturbances in mineral deposits; the properties and methods of testing common useful minerals.

C. *Mine Surveying.*—Methods of surveying mines by means of dial and theodolite; use and adjustment of instruments used in mine surveying; connection of underground and surface surveys; mathematical calculations relating to mine surveys; method of rectangular

co-ordinates ; determination of the true meridian ; levelling in mines and on surface ; drawing of plans and sections.

D *Mechanics.*—Construction and use of boilers, steam and other engines and machinery used in connection with mines ; testing of boilers, safety appliances, ropes and machinery ; strength of materials ; design and erection of mine plant, including machinery for crushing and dressing ores.

E. *Surface Works.*—Arrangement and construction of surface works and buildings.

F. *Ambulance.*—Knowledge of the means of rendering first aids to injured persons in case of accident.

G. *Mining Laws.*—A thorough knowledge of the mining laws and regulations in force in the Colony of Natal.

H. *Mathematics.*—As applied to mining problems.

Every candidate must be able to make sketch drawings to illustrate details connected with any work to be done in or about a mine.

Every candidate for a first-class certificate shall produce a plan of a mine prepared by himself from his own surveys, together with the survey notes, or shall otherwise furnish conclusive evidence of his practical knowledge of mine surveying.

Candidates for first-class certificates will be examined in all the above subjects.

Candidates for second-class certificates will be examined only in subjects A, F, G, and H of the above, but the standard of knowledge required will not be so high as in the case of candidates for first-class certificates.

CHAPTER XV.

THE ORANGE RIVER COLONY.

Minerals.—The territory lying between the Orange and the Vaal rivers, now the Orange River Colony, was formerly known as the Orange Free State of the South African Boers. It comprises an area of about 50,000 square miles of country, mostly a high plateau, 3000 to 4000 feet above the sea, chiefly devoted to pasturage, and enjoying a very fine and healthy climate. Not much gold-mining has hitherto been done in this Colony; but the coal-fields of Viljoen's Drift and the Heilbron district, on the Vaal river to the north, are profitable, and valuable diamonds are obtained at Jagersfontein and other places in the southern parts of the Colony.

Mining Laws.—The mining law of the Orange River Colony is at present comprised in three Acts of the Legislature—the Precious Metals Ordinance (No. 3 of 1904), the Precious Stones Ordinance (No. 4 of 1904), and the Base Metals and Minerals Ordinance (No. 8 of 1904). In their general tenor these three Acts are much in accord, and are analogous in principle to the laws of Natal and the Cape Colony rather than to those of the Transvaal and Rhodesia. Prospecting is allowed under Government licences, and concessions of mineral lands are granted, whilst the rights of the landowners are very strictly defined and guarded. A private landowner may, if he pleases, entirely reserve his land from the attentions of the prospector by refusing admission to it, and also refraining from doing any prospecting work himself; but if he meddles at all with mining, either by prospecting on his own land or allowing others to do so, he lays himself open to having his estate proclaimed as a public digging, on which claims may be pegged by any licensed person, and he can then only claim the share in the mining which the law allows him. If the landowner desires to prospect on his own land, he may do so without obtaining a licence, but must report the fact of his

doing so, and also any discoveries that he may make in the course of his operations, to the Resident Magistrate of the district. Whenever workable metalliferous deposits or precious stones are reliably reported to have been discovered either on Government or on private land, the Government may proclaim the whole or any part of such lands to be a public digging, on which, however, both the owner of the land and the discoverer of the mineral have specially reserved rights. On proclamation of an area of land as a public digging, all general prospecting rights on it cease, but the discoverer is entitled to one-half share in the mine which he discovered if it be situated on Government land, or one-fifth if it be on private land. In any case the Crown royalty is one-half share in the profits of the mine, after deducting the discoverer's and landowner's dues.

Prospecting Licence.—On proclamation of a public digging, a list is opened at the Magistrate's office of the names of persons desirous of pegging claims thereon. Any person, apparently of either sex, of European descent and over eighteen years of age, may obtain a prospecting licence, and be entered on this list to peg claims in the order of application, on paying a fee of five shillings when the diggings are on Crown lands, or twenty shillings in the case where private land is thrown open.

Licensed Prospectors' Rights.—A licensed prospector may peg out any number not exceeding fifty reef claims, each measuring 60,000 square feet, or 150 feet along the strike of the reef by 400 feet towards the dip; or three alluvial claims, each of 8100 square feet, or 90 feet square. In all cases the boundaries are vertical planes. On these claims, whilst prospecting work only is in progress, a monthly rental of five shillings per claim is payable in advance; but when the claim is developed, and valuable material is being extracted, this rent becomes twenty shillings per month, reverting again to five shillings when the claim is unworked or worked out.

Special Registration of Blocks of Claims.—Special registration of large blocks of claims may be granted by the Government in certain cases, by which they are converted into mining properties under Government leases. Certain diamond mines which were in existence under the old régime, prior to the passing of these Acts, are also, by section 61 of the Precious Stones Act, granted indefeasible titles under certain conditions. There is also in force in the Orange River Colony a code of **Mining Regulations** embodying the ordinary restrictions and stipulations regarding the employment of competent men as managers and in charge of blasting operations.

EXTRACTS FROM THE PRECIOUS METALS ORDINANCE, 1904.

Prospecting.

17. Every landowner may by himself or his servants prospect on any land owned by him without a licence on giving notice of his intention so to do to the Resident Magistrate; and any owner of such land prospecting thereon without giving such notice as aforesaid shall on conviction be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

19. Any white person having obtained permission in writing from the owner or owners of any farm or piece of land to prospect thereon shall be entitled to obtain from the Magistrate a prospecting licence. On such licence shall be stated the period and area for which the same is granted, but such period shall not exceed the term (if any) stated in the aforesaid permission.

20. Every such licence shall entitle the holder thereof to employ six white persons besides coloured persons drawing wages for the purpose of prospecting on the said land without further licence, but an additional licence shall be required for every six additional white persons so employed: Provided that no such additional licence shall entitle the prospector to any additional rights other than those which he holds by virtue of his original licence; and provided further that no such white persons so employed shall acquire special rights under this Ordinance.

21. When the owner of private land either prospects himself or has given permission to any other person to prospect thereon, the head of the Mines Department or his deputy shall have the right to enter upon such land in order to inspect such prospecting:

Provided that nothing in this section shall be deemed to authorise the Inspector to demand the right of inspecting a drill core before it has been tested and examined by the person for whom the said core was obtained.

22. (1) The Lieutenant-Governor shall have the power to grant to persons or companies applying therefor the right to prospect for precious metals on Crown lands on such terms as he may deem fit, to be embodied in a written agreement between the said prospector and the Government, subject always to the provisions of this Ordinance and of the Lands Settlement Ordinance, 1902, or any law to be hereafter enacted in that behalf.

(2) In such agreement it shall be lawful for the Lieutenant-Governor to make provision for the granting of exclusive rights of prospecting on any portion of such Crown land and for the granting of claims not exceeding fifty-one, and in addition to or substitution for such claims a mynpacht not exceeding one-tenth of the area of land over which prospecting rights are granted by the said agreement.

(3) Every such person or company shall before prospecting obtain from the Resident Magistrate a prospecting licence on payment of the fees prescribed.

proclamation, such date not to be earlier than thirty days after the first publication thereof in the *Gazette*, the said land shall be thrown open to the public to peg off claims under the provisions of this Ordinance and any regulations that may be formed thereunder in that behalf.

(*b*) In the case of Crown land, on a date to be mentioned in the proclamation, such date not to be earlier than thirty days after the first publication thereof in the *Gazette*, the Government, having previously caused the claims on such land to be surveyed by an authorised surveyor, shall dispose of the said claims by auction in blocks of not more than one hundred reef claims or more than six alluvial claims.

54. In the case of any land thrown open to the public under the provisions of sub-section (*a*) of section 52, the following provisions shall apply :—

(1) Every person who shall have obtained a claim licence from the Magistrate shall be entitled to peg off on such land the number of claims mentioned in such licence, not exceeding fifty reef claims or three alluvial claims, as the case may be : Provided that no person shall be entitled to peg off any claim unless he shall have the said licence with him on the land itself for production to the Inspector when called upon.

(2) Such licence shall be issued by the Magistrate to persons of European descent and over the age of eighteen years on payment of a licence fee of five shillings per claim and of a registration fee of five shillings for every claim or block of claims issued to one holder, and shall specify the number of claims which the holder thereof shall be entitled to peg off.

59. On every such licence so issued and on every claim licence issued under the provisions of this Ordinance, save as otherwise herein provided, a licence fee shall be payable each month in advance. The amount of such fee shall be in respect of every reef claim five shillings and in respect of every alluvial claim twenty shillings.

65. Whenever the fee payable for any reef claim licence remains unpaid at the expiration of the month for which payment was due in advance, the amount of such fee shall be doubled ; and in case any such fee remains unpaid at the expiration of two months from the date when payment thereof became due, the claim or claims in respect of which such payment was due as aforesaid shall be declared forfeited, unless sufficient reason for the non-payment of such fees be shown to the satisfaction of the head of the Mines Department. Should such reason be shown, the head of the Mines Department shall cause the licence to be reissued on the payment of treble the usual fees : Provided always that the provisions of this section shall not apply in respect of claims held under a certificate of special registration as hereinafter provided in Part VII. hereof.

68. The holder of a reef claim, water right or mynpacht on a public digging shall have the right to erect thereon such machinery, buildings, dams and other works as are necessary for the proper working of precious metals and the housing of the persons employed in such working, but such right shall not extend to the erection of buildings for trading purposes.

Any buildings or machinery so erected, whether permanently attached

to the soil or not, shall be the property of the said holder and may be disposed of and removed by him to the person to whom he has disposed of the same at any time during his tenure of the said claim, water right or mynpacht, or within thirty days after he has ceased to be the holder thereof.

80. (1) A reef claim shall not be deemed to have been lawfully pegged off until the holder of the licence has himself in the presence or with the assistance of other persons placed a peg not less than twenty-four inches long and two inches thick at each corner.

(2) Such pegs shall be sufficient indication of the pegging of any such claim for one month from the date of pegging, but at the expiration of the said period substantial stone beacons shall be built at each corner of the claim, or, in cases of blocks of claims, at each outside corner of the block. If in the latter case the beacons are not visible one from the other, line beacons shall be erected along the boundaries of the block in such manner that adjoining beacons may be seen one from the other.

(3) Each such corner beacon shall bear a board at least twelve inches square on which shall be painted in plain lettering the official number of each claim and the name of the holder or holders and the date of pegging.

(4) In case any claimholder fails to erect such beacons at the time specified or to affix such boards as aforesaid, he shall be liable on conviction for each offence to a fine not exceeding one pound, or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days.

81. Every person who shall peg off any claim under the provisions of this Ordinance shall within three days after such pegging report the same to the Magistrate, and shall file with him a sketch plan showing as nearly as may be the situation of such claim and other particulars as may be prescribed by regulations. On failure to comply with the provisions of this section such area shall be deemed open ground for pegging by any person entitled to do so.

84. Nothing in this Ordinance to the contrary shall prohibit any person from holding by transfer as many claims as he may wish, provided always that such transfer has been duly registered by the Resident Magistrate.

88. Should it at any time appear to the head of the Mines Department that a claimholder is not properly working his claim or claims as such, it shall be lawful for him to give the said claimholder written notice that unless he prospects or develops at least one claim within three months from the date of such notice the licence fee for all claims held by such claimholder will be doubled until such proper prospecting or development is carried on.

95. Notwithstanding any provisions of law to the contrary, it shall be lawful for the Resident Magistrate to issue to a licensed prospector or to a person holding claims or a mynpacht a permit entitling him to purchase explosives up to but not exceeding one hundred pounds in weight per week to be used for *bonâ-fide* prospecting or mining purposes only. On each such permit a stamp fee of one shilling shall be charged.

Surface and Water Rights.

98. It shall be lawful for every holder of a claim or mynpacht to enclose at his own expense from time to time any such area upon any land within the boundaries of a public digging held by him by virtue of any right granted under the provisions of this Ordinance as the Inspector may deem necessary for the erection, construction and maintenance of any plant, buildings or other works required for the proper working of his claims or mynpacht and the housing of persons employed by him for that purpose. The surface rights of all land so enclosed shall be deemed to be the property of the said holder so long as the said plant, buildings or works are employed for no other purposes than those for which they were constructed.

99. The owner of the land on which any public digging is proclaimed shall, notwithstanding the acquisition of the same for mining purposes, retain the surface rights thereupon except in respect of land enclosed under the provisions of the last preceding section, and subject to all provisions with reference to water rights and all other rights in respect of the said land granted under the provisions of this Ordinance.

115. It shall be lawful for every holder of a mynpacht or claim or parts thereof to obtain on application to the Resident Magistrate a certificate of special registration of his mynpacht or claim or parts thereof together with any mining water rights, rights of way, rights of leading water, machinery stands or any other rights or servitudes which he may hold in connection with the mynpachts or claims or parts thereof, and on such application being made the following provisions shall apply :—

(1) Every such application shall bear a stamp of five shillings and shall be accompanied by a surveyor's diagram in triplicate confirmed by the Surveyor-General and bearing a stamp of ten shillings for obtaining all the rights as aforesaid to which the applicant is entitled.

(2) The Magistrate on receipt of any such application shall give notice once a week in the *Gazette* and in any newspaper locally circulating for a period of three months that such an application has been made and that the said application and diagram lie at his office for inspection.

(3) At the expiration of the said notice the Magistrate after consultation with the Inspector may grant the application, provided that he is satisfied that the said application is in order and that no notice of objection has been lodged within the said period.

116. Each certificate of special registration shall bear a stamp of a value calculated at a rate of five shillings a claim and ten pounds for every mynpacht. No such certificate shall be issued unless all moneys due to the Government with respect to such claim, claims or mynpacht have been paid.

117. Whenever on any mining property any portion shall have been developed the holder thereof may apply for a certificate of special registration as aforesaid for the whole of such property, whether it be a claim, block of claims or mynpacht, within three months of such development. Should such holder fail to make such application

within the said period of three months he shall on subsequently applying pay double the stamp fees hereinbefore provided for the application for a certificate of special registration.

118. A certificate of special registration granted in accordance with this Ordinance shall be indisputable evidence of the right of the holder to the property so registered, unless it is shown that the said certificate has been obtained by fraud.

120. A certificate of special registration may be transferred in whole or in part by the person entitled thereto on application to the Resident Magistrate and on payment of a stamp duty of two pounds and a transfer duty of one per centum on the value of the property transferred.

EXTRACTS FROM THE PRECIOUS STONES ORDINANCE, 1904.

Prospecting.

10. The Lieutenant-Governor shall have the power to grant to persons or companies applying therefor a licence to prospect on Crown lands for diamonds or other precious stones on such terms as to the Lieutenant-Governor may seem fit, subject to the provisions of this Ordinance and of the Lands Settlement Ordinance, 1902. Such licence shall be issued for a period to be determined by the Lieutenant-Governor and shall be subject to a licence fee of five shillings per month payable in advance.

Every licence shall be registered with the Resident Magistrate, and a fee of two shillings and sixpence shall be charged for such registration. All land which has been alienated by the Crown with a reservation thereto of any precious stones shall be deemed to be Crown land for the purpose of prospecting under this Ordinance.

11. Prospecting on private land shall be subject to the following provisions :—

(1) The owner thereof may by himself or his servants prospect thereon without a licence on giving notice in writing of his intention so to do to the Resident Magistrate ; and any owner of such land prospecting thereon without giving such notice as aforesaid shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

(2) Any white person over the age of fifteen years having the written permission of the owner or owners of a farm or piece of land to prospect thereon shall be entitled to obtain from the Resident Magistrate a prospector's licence on payment of a registration fee of two shillings and sixpence. Every such licence shall be subject to a licence fee of five shillings for each month payable in advance. In such licence shall be stated the period for which the said licence is granted, but such period shall not exceed the term, if any, mentioned in the aforesaid permission.

14. It shall be the duty of every prospector or owner who shall discover any precious stones within thirty days thereafter to give notice thereof and of the place where such discovery has been made to the

Surface and Water Rights.

98. It shall be lawful for every holder of a claim or mynpacht to enclose at his own expense from time to time any such area upon any land within the boundaries of a public digging held by him by virtue of any right granted under the provisions of this Ordinance as the Inspector may deem necessary for the erection, construction and maintenance of any plant, buildings or other works required for the proper working of his claims or mynpacht and the housing of persons employed by him for that purpose. The surface rights of all land so enclosed shall be deemed to be the property of the said holder so long as the said plant, buildings or works are employed for no other purposes than those for which they were constructed.

99. The owner of the land on which any public digging is proclaimed shall, notwithstanding the acquisition of the same for mining purposes, retain the surface rights thereupon except in respect of land enclosed under the provisions of the last preceding section, and subject to all provisions with reference to water rights and all other rights in respect of the said land granted under the provisions of this Ordinance.

115. It shall be lawful for every holder of a mynpacht or claim or parts thereof to obtain on application to the Resident Magistrate a certificate of special registration of his mynpacht or claim or parts thereof together with any mining water rights, rights of way, rights of leading water, machinery stands or any other rights or servitudes which he may hold in connection with the mynpachts or claims or parts thereof, and on such application being made the following provisions shall apply :—

(1) Every such application shall bear a stamp of five shillings and shall be accompanied by a surveyor's diagram in triplicate confirmed by the Surveyor-General and bearing a stamp of ten shillings for obtaining all the rights as aforesaid to which the applicant is entitled.

(2) The Magistrate on receipt of any such application shall give notice once a week in the *Gazette* and in any newspaper locally circulating for a period of three months that such an application has been made and that the said application and diagram lie at his office for inspection.

(3) At the expiration of the said notice the Magistrate after consultation with the Inspector may grant the application, provided that he is satisfied that the said application is in order and that no notice of objection has been lodged within the said period.

116. Each certificate of special registration shall bear a stamp of a value calculated at a rate of five shillings a claim and ten pounds for every mynpacht. No such certificate shall be issued unless all moneys due to the Government with respect to such claim, claims or mynpacht have been paid.

117. Whenever on any mining property any portion shall have been developed the holder thereof may apply for a certificate of special registration as aforesaid for the whole of such property, whether it be a claim, block of claims or mynpacht, within three months of such development. Should such holder fail to make such application

within the said period of three months he shall on subsequently applying pay double the stamp fees hereinbefore provided for the application for a certificate of special registration.

118. A certificate of special registration granted in accordance with this Ordinance shall be indisputable evidence of the right of the holder to the property so registered, unless it is shown that the said certificate has been obtained by fraud.

120. A certificate of special registration may be transferred in whole or in part by the person entitled thereto on application to the Resident Magistrate and on payment of a stamp duty of two pounds and a transfer duty of one per centum on the value of the property transferred.

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Every licence shall be registered with the Resident Magistrate, and a fee of two shillings and sixpence shall be charged for such registration. All land which has been alienated by the Crown with a reservation thereto of any precious stones shall be deemed to be Crown land for the purpose of prospecting under this Ordinance.

11. Prospecting on private land shall be subject to the following provisions :—

(1) The owner thereof may by himself or his servants prospect thereon without a licence on giving notice in writing of his intention so to do to the Resident Magistrate ; and any owner of such land prospecting thereon without giving such notice as aforesaid shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

(2) Any white person over the age of fifteen years having the written permission of the owner or owners of a farm or piece of land to prospect thereon shall be entitled to obtain from the Resident Magistrate a prospector's licence on payment of a registration fee of two shillings and sixpence. Every such licence shall be subject to a licence fee of five shillings for each month payable in advance. In such licence shall be stated the period for which the said licence is granted, but such period shall not exceed the term, if any, mentioned in the aforesaid permission.

14. It shall be the duty of every prospector or owner who shall discover any precious stones within thirty days thereafter to give notice thereof and of the place where such discovery has been made to the

Resident Magistrate, and thereafter to make once in each month a solemn declaration of the number, weight and value of the precious stones found by him and of the amount of pulverised ground measured in loads of sixteen cubic feet to each load which has yielded the same and to lodge each declaration with the Inspector. Any person who on discovery of precious stones shall fail to give the notice aforesaid or to make and lodge the said declaration shall on conviction be liable to a fine not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

15. (1) Any holder of a prospecting licence under the provisions of this Ordinance who shall prove to the satisfaction of the Inspector with whom he has lodged the declaration aforesaid that he has discovered precious stones shall be entitled on the proclamation of a mine at the place where the discovery was made and on production of the certificate hereinafter mentioned in sub-section (3) hereof—

(*a*) In case such mine be on Crown land to not more than an undivided half share of the extent of the said mine.

(*b*) In case such mine be on private land to an undivided one-fifth share in the interest in the said mine to which the owner of such private land is entitled under the provisions of Part V. :—

Provided that it shall be competent for the prospector in entering into any agreement with the owner for the purpose of prospecting to waive his right to the said one-fifth share and to make any such other agreement with the owner as the parties thereto may think fit.

19. The Lieutenant-Governor may at any time after a discovery of precious stones has been made and shall prior to proclaiming any place a mine or alluvial digging take such steps as he may deem fit for the purpose of testing the character, payability and extent of the place at which precious stones have been discovered, and for this purpose may appoint such duly qualified persons as he may think fit and may authorise the expenditure of such sums of money as shall be deemed necessary for the purpose of such testing: Provided that in no circumstances shall any responsibility whatever attach to the Government in case any proclaimed mine or alluvial digging should after the proclamation thereof prove to be or become unpayable.

20. Whenever the Lieutenant-Governor shall be satisfied after taking the steps mentioned in the last preceding section that there are reasonable prospects that precious stones exist in payable quantities it shall be lawful for him, after causing the extent of the area containing precious stones to be surveyed, to proclaim the area so surveyed a mine or alluvial digging or to proclaim it as an extension of the existing or previously discovered mine or alluvial digging as the case may be: Provided that such proclamation shall not extend to any mine or portion of a mine situated on land on which the owner has not prospected or allowed prospecting to take place or which he has not otherwise consented to being proclaimed as aforesaid.

23. The surface rights of the owner of land included under any such proclamation as aforesaid shall immediately on the publication thereof be suspended until such time as the said proclamation is with respect to

such land revoked or cancelled ; and if any portion of land included in such proclamation is held under a lease other than a mineral lease then such lease shall cease and determine on notice thereof by the head of the Mines Department to the lessee, and in such case the lessee shall be entitled to such compensation as may be agreed upon between him and the head of the Mines Department in the case of Crown land and between the owner and the head of the Mines Department of the one part and the said lessee of the other part in the case of private land. If no agreement as aforesaid be arrived at, then the amount of compensation shall be determined by arbitration in the manner hereinafter provided.

35. When the place where precious stones have been discovered shall be proclaimed a mine under the provisions of this Ordinance the owner of the land on which the said mine or any part thereof is situated shall be entitled to an undivided six-tenths share of the extent of the mine or of such portion thereof as the case may be, which share shall include the rights of the discoverer as provided by section 15.

40. (1) The Crown shall be entitled to the undivided share in any mine or portion of a mine on private land which remains after deducting the share to which the owner or owners are entitled under sections 35 and 36 of this Ordinance, and in case the mine or portion thereof be on Crown land to the undivided share which remains after deducting the share to which the discoverer may be entitled under section 15 of this Ordinance.

42. Where the mine is worked by the owner he shall provide the working capital necessary for the effective working of the mine, and shall for the purpose of the division provided for in section 44 hereof render yearly an account to the head of the Mines Department in which shall be set off against the net profit of the mine for the year such working capital actually expended, together with interest thereon at the rate of ten per centum per annum, calculated from the last day of the month in which such capital was expended. In each such annual account such interest shall be reckoned on the balance of capital remaining after any such set-off as aforesaid, together with any additional working capital so expended during the year. No share in the produce of the mine shall accrue to the Crown until the aggregate net profits of the mine after allowing for previous losses shall equal the working capital so expended from time to time, together with the interest thereon calculated as aforesaid, as is more fully illustrated in Schedule B annexed to this Ordinance.

Provided always that during the period that may elapse from the date of proclamation of the mine and the date when the working capital and interest aforesaid has been so set off and balanced against the profits a tax of five shillings for every nine hundred square feet of the total surface of the mine shall be paid monthly in advance by the owner to the Government to meet the expenses of Government control. Such tax shall cease to be payable from the date when the working capital and interest shall have been found to equal the accumulated profits as aforesaid.

44. Subject to the provisions of section 42 the net profit obtained from the working of the mine shall be divided between the Crown and the mineholder in proportion to their respective shares in the mine.

47. The term "working capital" shall be taken to mean the actual capital expended on the equipment and development of the mine after the date of proclamation, together with a sum to be decided upon by the Board prescribed in section 52 as necessary for the purpose of carrying on mining operations, and shall include any sum paid by the mineholder in respect of land or any right over land acquired by him under the provisions of sections 87 and 89, but shall not include the purchase price, if any, paid by him for the mine, or any mining rights or any costs of prospecting previous to proclamation.

48. The term "net profits" shall be taken to mean that profit left after paying all amounts not being capital outlay actually expended during the year in winning and disposing of precious stones, together with salaries, wages, directors' fees, auditors' fees, taxes, insurance, printing, stationery, advertising, maintenance of plant and buildings, agencies, legal expenses, survey expenses, arbitration expenses and office expenses.

51. Every mineholder shall carry on mining operations to the satisfaction of the head of the Mines Department, unless work is suspended with the consent of the head of the Mines Department for any of the following reasons :—

(1) That time is required for the erection or repair of machinery or shafts ;

(2) The influx or scarcity of water ;

(3) A fall of reef on the mine ;

(4) Scarcity of labour ;

(5) When the *bonâ-fide* mining and working expenses of the mine cannot be met by the sale of the precious stones found therein when realised at their true and fair market value ;

(6) Any such other like reason as to the head of the Mines Department may seem just.

55. (1) It shall not be lawful for the owner or mineholder to transfer or mortgage his interest in a proclaimed mine except with the consent of the Lieutenant-Governor.

60. The following mines shall be and hereby are recognised as proclaimed existing mines, namely, the mines situated at Jagersfontein and Koffyfontein and mentioned in Chapter CXXI. and Law No. 1 of 1892 respectively, and now being worked by the New Jagersfontein Mining and Exploration Company, Limited, and the Koffyfontein Mines, Limited, and other claimholders, and the mine known as the Ebenezer Mine, and in respect thereof the following provision shall apply :—

(1) The Crown shall have no proprietary right in the said mines.

(2) The said mineholders and other claimholders shall pay a licence fee of ten shillings for every claim of nine hundred square feet within the proclaimed area monthly in advance to the Resident Magistrate.

(3) Should however the licence fees on any of the said mines or any of the claims therein become four months in arrear it shall be lawful

for the Lieutenant-Governor to give notice in writing of not less than one month to the claimholders to pay all the licence fees in arrear, and on their failing to do so within the period of the said notice to declare the mine or any such claim therein as the case may be to be forfeited, and after notice of such forfeiture to the owner public tenders shall be invited for the working thereof.

(4) The tender that appears most advantageous in the opinion of the Lieutenant-Governor shall be accepted: Provided that it shall be lawful for the claimholders of any such mines to abandon any claim within the said proclaimed area by giving notice in writing of their intention to do so to the Resident Magistrate; whereupon the mining rights upon such abandoned claims, shall fall under the provisions of section 59.

(5) All claim licence moneys collected by the Government shall be divided equally between the Government and the owner of the land on which the mine is situated.

61. The following mines shall be and are hereby recognised as unproclaimed existing mines, namely, the mines owned and worked at the time of the coming into operation of this Ordinance by the Lace Diamond Mining Company, Limited, the Orange Free State and Transvaal Diamond Mines, Limited, the New Driekopjes Diamond Mining Company, Limited, and the Monastery Diamond Mines and Estate Company, Limited, and in respect thereof the following provisions shall apply:—

(1) The Crown shall have no proprietary right in these mines so long as the tax of five shillings for every claim of nine hundred square feet of the surface area of the said mine is paid monthly in advance to the Resident Magistrate.

(2) The holder of any of the said mines shall be entitled to prospect and mine for precious stones without the payment of any licence or other fees within the farm or area whereon such mine is situated, which at the date when the application was made in respect thereof under the provisions of Law 16 of 1899 was registered under one title: Provided that in case any further mine be discovered on the said area a tax of five shillings shall be payable in respect of every claim of nine hundred square feet of the surface area of the said further mine.

65. The holder of a licence to prospect who shall prove to the satisfaction of the Inspector of Mines that he has found precious stones in alluvium and that there are reasonable prospects for believing that they exist in payable quantities shall receive a certificate from the Resident Magistrate that he is entitled to select fifty claims in a block of a size hereinafter provided at the place where such precious stones have been found; and no licence money shall be payable on the said claims whilst they are held by such discoverer in his own right: Provided always that the head of the Mines Department is satisfied that a genuine discovery has been made. Upon the granting of such certificate as aforesaid all prospecting except by the holder thereof at the place where such discovery was made and within such distance therefrom as the head of the Mines Department may determine shall cease.

66. When the place where precious stones have been discovered shall be proclaimed an alluvial digging under the provisions of this Ordinance,

the owner of the property on which the said digging or portion thereof is situate shall be entitled to select next after the discoverer no more than one hundred claims in a block or a number of claims therein equal to three-tenths of the extent of land proclaimed, whichever of the two is greater. It shall further be lawful for the owner at any time after proclamation to peg off for himself on any part of the proclaimed area not held under claim licence any number of claims without regard to situation: Provided always that the total number of claims pegged off by him under the provisions of this section shall not exceed one hundred. If such owner is also the discoverer he shall in addition be entitled to the claims mentioned in the last preceding section. All claims falling under the provisions of this section shall be free of licence money and stamp duty in perpetuity.

75. The size of a claim on an alluvial digging shall be ninety feet square.

CHAPTER XVI.

THE TRANSVAAL COLONY.

Boundaries.—This newly incorporated British colony, lately the South African Republic of the Boers, is bounded on the north and west by the Limpopo river and British Bechuanaland, on the south by the Vaal river and the Orange River Colony, and on the east by the Portuguese East African possessions. It passed under direct British rule at the conclusion of the war in 1902.

Mineral Products.—The principal mineral products of the Transvaal, which are at present worked, are gold and coal; silver, copper, lead, tin, and iron, with other metalliferous minerals and diamonds, have also been reported, but for the present all interests centre round the gold-mining industry, with its attendant coal-production. The most important gold and coal mining districts are situated near the town of Johannesburg, on a sandstone plateau at an altitude of some 6000 feet above the sea. Gold is obtained in this district from beds of a quartz conglomerate locally known as "banket," and the coal, which is almost entirely used in the gold-production, from beds in the sandstone strata.

Landowners' Rights.—In the early days of the occupation of the country by white men the land was largely taken up by squatting Boers, each family of whom took possession as they pleased of large areas of land, of which generally only a very small portion was ever brought under cultivation; thus the word "farm" must in this connection be taken to mean nothing more than a considerable tract of more or less valuable land marked off by certain beacons and privately owned. In this manner the rights to land and water were acquired in bygone times, and the question of property in minerals and mining rights appears never to have been raised until about the year 1855, when the discovery of gold in the Lydenburg and Pilgrims' Rest districts turned the attention of wandering prospectors to these remote and hitherto secluded regions.

Legislation.—The earliest legislation of the Boer Volksraad dealing with mineral rights appears to have been a law passed in September 1858, which gave the Government the right to expropriate any farm on which precious minerals had been found, on paying compensation to the owner. This law, however, seems only to have been in force for one year, as we find that Article 56 of the 21st of September 1859 Volksraad Resolution reads: "Resolved that Volksraad Resolution, Art. 29, of September 22nd, 1858, be repealed, and that the development of mines in this Republic be thrown open to private companies under the protection and encouragement of the Honourable the Executive Council, which at the same time is instructed to take due precautions in the interest of the State." This law practically placed the control of all mining matters in the hands of the President of the Republic. The earliest gold law approximating to the present system was that of 1871, Art. 1 of which provides that: "The right of mining for all precious metals and precious stones belongs to the State, saving the already acquired rights of private persons, and such measures as shall be hereafter determined on for the protection of persons and property and for the public benefit." From this date up to the outbreak of war in 1899 no less than eighteen enactments dealing with the mining and production of precious minerals were passed by the Volksraad, the most important of these being Law No. 15 of 1898. These matters are now of little more than academic interest, so the reader is referred for fuller information thereon to the Report of the Gold Law Commission, published in Pretoria in 1902, which formed the basis of the present mining law of the Transvaal Colony. This is embodied in the Mining of Precious Metals Ordinance of 1904, extracts from which are hereafter given.

Government Reservation of Precious Metals.—The main principles of the Transvaal mining law are the ownership of minerals by the State, together with due recognition of the rights of the owners of the surface. The rights of the State are secured by the imposition of mining ground-rents and a tax on mining profits, whilst those of the private landowner are met by the granting of mynpachts, or special reservations of mining ground, and a share in the ground-rents. Several exclusive mining concessions have been granted—notably that of Moodies in the Barberton district—but as a general rule the country has been freely opened up to prospecting wherever payable minerals have been reported as discovered.

Prospecting Licence.—A prospecting licence can be obtained by any white man. This entitles the holder to prospect

for minerals on proclaimed lands, also on private land on certain conditions. On discovery of what the prospector considers to be payable mineral, he has the right to locate, on unoccupied ground, as many claims as he may desire, each measuring 150 by 400 feet, with vertical boundaries, no extra-lateral rights being allowed in the Transvaal. For each of these claims, whilst undeveloped, he has to pay a rental of five shillings per month, and when developed —that is, when ore is being taken from it and treated by machinery —a rental of twenty shillings per month, in all cases payable in advance. This claim rental thus amounts to £2, 3s. 6d. per acre per annum on undeveloped ground, and £8, 14s. on developed ground. In the case of fully working mines special arrangements are, however, sometimes made. The payment of this ground-rent constitutes an indefeasible title to the mine, and is the leading principle of the Transvaal system. In addition to the ground-rent, a tax of 10 per cent. on profits earned by gold-production is imposed by the Profit Tax (Gold-mines) Proclamation of 1902, which repeals the regulations published in the *Staatscourant* of 15th February 1899, and enacts that "there shall be levied a tax of 10 per cent. on the annual net produce obtained from the working of claims, mynpachts, and other gold-bearing properties situated in this Colony; such net produce shall be taken to be the value of gold produced after deduction therefrom of the cost of production and of such sums as may be allowed in respect of the exhaustion of capital as hereinafter defined." The proclamation then proceeds to specify what the "cost of production" shall mean, and provides for arbitration in case of disagreement between the mine-owners and the Treasury. Model forms are also given of several accounts which have to be periodically rendered to the Government.

Thus, under the Transvaal mining law, the payment of ground-rent and profit tax constitute the whole of the onerous obligations of the mine-owner; no irritating conditions as to amount or value of work done, or the employment of a definite number of men, are imposed, but the due continuation of work is indirectly secured by the considerable ground-rents charged. It is a simple, workable system, and appears to give general satisfaction to a very important mining community.

Mining Regulations.—There is also in force in the Transvaal a very complete modern code of mining regulations (No. 54 of 1903), which is administered by a staff of mine inspectors under the Ministry of Mines. These regulations provide, amongst other things, for certificates of competency being held by mine managers, overseers, enginemen, for keeping of accounts and mine plans, and

for all matters connected with the safety and well-being of those employed on the mine, and the efficient working thereof.

At present the Transvaal Colony has no regularly accredited agent in London, but much information on mining matters may be obtained from the Secretary of the Transvaal Chamber of Mines, Salisbury House, London Wall, E.C.

EXTRACTS FROM THE MINING OF PRECIOUS METALS ORDINANCE OF THE TRANSVAAL, 1904.

1. The right of every landowner to prospect for precious metals without licence, subject to the notice hereinafter prescribed, freely and without hindrance within the limits of his property is hereby recognised.

2. So long as a private owner does not personally prospect or grant permission to others to prospect the Government shall not have the power to proclaim his land a public digging or grant prospecting rights thereupon, nor shall anyone have the power to compel such owner to cause his land to be prospected or otherwise deal with such land under the provisions of this Ordinance.

3. Where a private owner has granted permission to another to prospect on his land or where such owner has prospected on his land himself he shall be taken and considered to have consented to such land being proclaimed a public digging in the event of precious metals being found thereon. The Government shall at all times have the right to institute an inquiry with regard to such prospecting having taken place or such permission to prospect having been granted.

4. This Ordinance shall be applicable to gold and silver and to such other precious metals as the Lieutenant-Governor shall from time to time by proclamation declare to be included within its provisions.

5. In the interpretation of this Ordinance unless repugnant to the context the following words and expressions in inverted commas shall have the meanings thereto respectively assigned :—

"Public digging" shall signify every area of land and every extension thereof proclaimed a public digging under the provisions of this Ordinance.

"Claim" shall signify an area of land situated on a public digging (not being a mynpacht) assigned under the provisions of this Ordinance for mining purposes.

"Reef claim" shall mean a claim acquired for the purpose of mining for gold or other precious metals found in a reef.

"Alluvial claim" shall mean a claim acquired for the purpose of mining for gold or other precious metals found in alluvial deposits.

"Block of claims" or "block" shall mean any number of contiguous claims.

"Mynpacht" shall mean an area of land situated on a public digging reserved for mining purposes to the owner or owners of private land on which such digging is proclaimed or to the discoverer of precious metals on Crown land.

"Mining property" shall mean and comprise any claim, block of claims, or mynpacht, or any mynpacht together with any claim or claims contiguous thereto on a public digging occupied by any person as the registered holder thereof under the provisions of this Ordinance.

"Crown land" shall mean all unalienated Crown land and all land the property of the Government of this Colony, in whatever way acquired, and any land alienated by the Government of this Colony with a reservation thereto of precious metals.

"Private land" shall mean any area of land of which the ownership is vested in any person as shown by the title-deed or deed of transfer and in the title whereof there is no reservation to the Crown of precious metals.

"Prospecting" shall mean the performance of all work and the carrying on of all operations which may appear necessary or desirable in the search for the precious metals mentioned in section four, or which have in view the testing of the permanency or payability of reefs or deposits containing any of such precious metals.

"Digging" or "mining" shall mean the intentional winning of ore or the extraction of precious metals, including all work necessary for that purpose irrespective of whether such winning is effected by underground mining, open cutting, boring or otherwise.

"Claimholder" shall mean the licensed owner of a claim.

"Prospector" shall mean a person who holds a licence to prospect for precious metals, or any owner who has given notice to the Magistrate of his intention to prospect.

"Magistrate" shall mean the Resident Magistrate or Detached Assistant Resident Magistrate of the district, or such person or persons as may be appointed to relieve the Magistrate of his mining duties under this Ordinance.

"Inspector" shall mean the officer appointed as Inspector or Deputy Inspector of Mines for the mining district in which any public digging is situated.

"Stand" shall mean a definite portion of land of a size fixed by this Ordinance to be used as a site for a residence or for trading purposes or for housing of labourers or other mining purposes.

"Developed" shall mean opened up and prepared for the stoping or mining of ore.

"Surveyor's diagram" shall mean a diagram framed and signed by a surveyor duly admitted under the Lands and Survey Ordinance, 1903.

"Coloured person" shall signify any African, Asiatic or Polynesian aboriginal native, coloured American person, Arab, Coolie or Chinaman, and all persons who in accordance with law or custom are called coloured persons or are treated as such, of whatever race or nationality they may be.

7. It shall be lawful for every Inspector to obtain from all persons prospecting or mining for precious metals within his district all such statistics as may be prescribed in the regulations mentioned in the last preceding section. Any person wilfully refusing or failing to supply such statistics within the time specified in such regulations shall on conviction be liable to a fine not exceeding ten pounds, or in default of payment to imprisonment for a period not exceeding three months.

9. Every coloured person within the boundaries of a public digging must obtain a monthly pass from the Magistrate, in form to be prescribed by regulations made under the provisions of this Ordinance, on payment of one shilling, and in default thereof he shall on conviction be liable to a fine not exceeding five shillings, or in default of payment to imprisonment with or without hard labour for a period not exceeding eight days:

Provided that coloured persons accompanying their masters who do not reside on the digging or remaining for not more than eight days with a pass from such masters and in their service shall not be subject to the provisions of this section.

17. Every landowner may by himself or his servants prospect on any land owned by him without a licence on giving notice of his intention so to do to the Resident Magistrate; and any owner of such land prospecting thereon without giving such notice as aforesaid shall on conviction be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

18. No person not being an owner prospecting on his own land as aforesaid shall be entitled to prospect for precious metals on any land in this Colony without having first obtained a prospecting licence from the Magistrate for the purpose of prospecting on such land. For every such licence shall be paid a registration fee of five shillings and a monthly licence fee of five shillings payable in advance in respect of each month. Any person not being an owner as aforesaid who shall prospect on any land without having first obtained a prospecting licence as aforesaid in respect of such land, or who shall at any time so prospect without having paid the licence fee payable as aforesaid, shall be liable on conviction to a fine not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

19. Any white person having obtained permission in writing from the owner or owners of any farm or piece of land to prospect thereon shall be entitled to obtain from the Magistrate a prospecting licence. On such licence shall be stated the period and area for which the same is granted, but such period shall not exceed the term (if any) stated in the aforesaid permission.

20. Every such licence shall entitle the holder thereof to employ six white persons besides coloured persons drawing wages for the purpose of prospecting on the said land without further licence, but an additional licence shall be required for every six additional white persons so employed: Provided that no such additional licence shall entitle the prospector to any additional rights other than those which

he holds by virtue of his original licence; and provided further that no such white persons so employed shall acquire special rights under this Ordinance.

22. The Lieutenant-Governor shall have the power to grant to persons or companies applying therefor the right to prospect for precious metals on Crown land on such terms as he may deem fit, to be embodied in a written agreement between the said prospector and the Government, subject always to the provisions of this Ordinance and of the Lands Settlement Ordinance, 1902, or any law hereafter to be enacted in that behalf.

23. On the proclamation of any area as a public digging all prospecting rights over the said area shall cease and determine, and the prospector shall only be entitled to discoverer's claims hereinafter prescribed and his right as a member of the public.

28. It shall not be lawful for any person by virtue of a prospector's licence to prospect or dig for precious metals within a distance of two hundred yards of any existing house or building or on any cultivated land or land required for irrigation purposes except with the written permission of the owner of the said house, building or land. Any persons contravening the provisions of this section shall on conviction be liable to a fine not exceeding fifty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

30. The Lieutenant-Governor on receiving a report from the head of the Mines Department that precious metals have been found apparently in payable quantities on any private land or farm or any Crown land that has been prospected under the provisions of Part III. hereof shall have the power to proclaim such land or farm a public digging.

It shall be competent for the Lieutenant-Governor from time to time to appoint a Board to consist of not less than five members to advise him as to the payability of precious metals discovered on any such land or farm as aforesaid and as to any other matters connected with such discovery and the value of the metals so discovered as he may deem fit.

31. Should the Lieutenant-Governor decide not to proclaim the land or farm mentioned in the last preceding section as a public digging the discoverer and owner of such land shall nevertheless be entitled to their respective mining rights thereon as hereinafter provided and to exploit the ground for mining purposes in like manner as if such land had been proclaimed:

Provided that it shall be lawful for the Lieutenant-Governor at any time to proclaim such land or farm a public digging should he deem it advisable in the public interest.

32. The head of the Mines Department shall three months prior to the proclamation of any farm or piece of land as a public digging notify the owner thereof of the intention to proclaim, so as to enable him to peg off his claims and cause his mynpacht to be surveyed.

36. Every reef claim on a public digging shall be in area sixty thousand square feet and shall whenever possible be of a rectangular shape in dimensions one hundred and fifty feet along the strike of the

reef (that is to say the direction in which the reef is ascertained or presumed to run) by four hundred feet across the said strike.

Every alluvial claim shall be in extent one hundred and fifty feet square or as nearly as possible the equivalent thereto.

37. The discoverer of a reef of precious metals on private land being a duly licensed prospector in respect of such land shall before proclamation of the land on which he has discovered the said precious metals have the first right to peg off for himself a number of claims not exceeding in area one-twentieth part of the area of the land to be proclaimed, but in no case shall he be entitled to peg off more than seventy-five claims to be continuous in extent and as nearly as possible in the form of a rectangular block the length of which along the reef shall not be more than twice the breadth. Such claims shall be termed discoverer's claims and may be held and worked free of licence money so long as they remain the *bonâ-fide* property of the discoverer.

The discoverer in addition to the rights conferred by this section shall be entitled to all the rights conferred on the public by this Ordinance with reference to the pegging of claims.

38. The discoverer of a reef of precious metals on Crown land being a duly authorised prospector under the provisions of section 22 in respect of such land shall before proclamation of the land on which he has discovered the said precious metals have the first right to peg off for himself the area, whether as mynpacht or claims or both, to which he may be entitled for mining purposes under the agreement mentioned in the said section.

Any mynpacht so acquired shall be pegged off and held under the conditions hereinafter provided in respect of a mynpacht held under an owner's right.

The said claims if any shall be pegged off as far as possible in a rectangular block the length of which along the reef shall not be more than twice the breadth. Such claims shall be subject to the usual monthly licence fees.

39. The owner of a farm or piece of land not being land on which minerals are reserved to the Crown on which a reef of precious metals has been discovered shall before proclamation of such farm or piece of land as a public digging have the first right after the discoverer's claims have been pegged off to peg off for himself a mynpacht not exceeding in area one-tenth of the area of such farm or piece of land. Such mynpacht shall be taken if possible in the form of a rectangular block the length of which along the reef shall not be more than twice its breadth.

No such mynpacht shall be pegged off until a mynpacht licence shall have been taken out by the said owner in respect thereof, or if so pegged off before such licence has been taken out no rights shall accrue whatever from such pegging.

Such licence shall be granted by the Magistrate to the said owner on application by him or his duly authorised agent and payment of the fees hereinafter prescribed.

40. The holder of such a mynpacht licence shall at the expiration thereof have the right to renew the same for further periods not

exceeding twenty years on giving notice in writing to the head of the Mines Department of not less than one month before the expiration of such licence.

A fee of ten shillings shall be charged for the registration of every mynpacht licence on issue and renewal.

41. A licence fee at the rate of ten shillings per morgen per annum shall be paid in respect of each mynpacht by the holder thereof to the Magistrate on the date on which the said licence is issued and thereafter on the first day of July in every year. Should payment not be made as aforesaid within three months after due date the Lieutenant-Governor shall have the right to declare the said mynpacht forfeited, and thereupon the said mynpacht if the area in which it is situated has been proclaimed shall after notification in the *Gazette* for a period of one month be open to the public for pegging of claims in the manner hereinafter provided or shall be put up to auction in claims as the Lieutenant-Governor may decide: Provided that the aforesaid provisions as to forfeiture shall not apply to mynpachts held under special registration under the provisions of Part VII. hereof.

42. Mynpachts not held under special registration as aforesaid may be transferred either wholly or in part from one person to another on application to the Magistrate and on the payment of a fee of two pounds as transfer fee for the registration of the said transfer: Provided that no further fees or dues of any kind shall be payable in respect of such transfer.

43. On the division of a mynpacht the holders of portions thereof shall be deemed to be jointly and severally responsible to the Government for the payment of the whole of the moneys payable in respect of the original mynpacht licence from the date on which the registration as aforesaid of the transfer of the portion accruing to them respectively was effected.

44. The owner of a farm or piece of land on which a reef of precious metals has been discovered shall before the proclamation of such farm or land in addition to his mynpacht be entitled to peg off for himself after the discoverer's claims have been defined a block of claims not exceeding in area one-twentieth part of the area of the said farm or piece of land: Provided that in no case shall he be entitled to so peg off more than seventy-five claims.

50. Whenever the Government desires to proclaim as a public digging any land the mineral rights whereof are reserved to the Crown but the surface rights are private property the Government shall have the right to resume occupation and proprietorship of such land on the conditions prescribed by the Lands Settlement Ordinance, 1902.

52. After the proclamation of any land as a public digging and after prospectors' and owners' rights as provided by this Ordinance have been satisfied the land comprising the remainder of the proclaimed area shall be disposed of in the following manner:—

In the case of private land on a date to be mentioned in the proclamation, such date not to be earlier than thirty days after the first publication thereof in the *Gazette*, the said land shall be thrown open to the public to peg off claims under the provisions of this

Ordinance and any regulations that may be framed thereunder in that behalf.

In the case of Crown land on a date to be mentioned in the proclamation, such date not to be earlier than thirty days after the first publication thereof in the *Gazette*, the Government having previously caused the claims on such land to be surveyed by an authorised surveyor shall dispose of the said claims by auction in blocks of not more than one hundred reef claims or more than six alluvial claims.

53. On the issue of any prospector's licence the Magistrate shall cause to be affixed to the notice-board outside his office and to be published in the *Gazette* and in a newspaper circulating in his district a notification that on the expiration of thirty days from the date of issue of the said licence a list will be framed in the said office in respect to the land to be pegged, wherein every person of European descent over the age of eighteen years who desires to acquire a prior right in the issue of claim licences and in pegging in respect of such land shall be entitled to enter his name.

Every such person shall sign his name in the said list immediately below the person who signed before him and shall to such signature affix a stamp of twenty shillings to be cancelled by the Magistrate.

In case such farm or area shall be proclaimed a public digging such persons shall have the prior right to obtain claim licences in the order in which their signatures appear in the said lists entitling them to peg claims thereon.

59. On every such licence so issued and on every claim licence issued under the provisions of this Ordinance save as otherwise herein provided a licence fee shall be payable each month in advance. The amount of such fee shall be in respect of every reef claim five shillings and in respect of every alluvial claim twenty shillings.

61. Whenever any reef claim situated on any mining property from which ore has been crushed by the machinery for the purpose of extracting precious metals shall have been developed, the monthly licence fee payable in respect of such claim shall be twenty shillings instead of five shillings and such fee shall be payable each month in advance: Provided that as soon as it is shown to the satisfaction of the Inspector that any such claims have been worked out the licence fee payable in respect thereof shall be five shillings only.

65. Whenever the fee payable for any reef claim licence remains unpaid at the expiration of the month for which payment was due in advance the amount of such fee shall be doubled; and in case any such fee remains unpaid at the expiration of two months from the date when payment thereof became due the claim or claims in respect of which such payment was due as aforesaid shall be declared forfeited unless sufficient reason for the non-payment of such fees be shown to the satisfaction of the head of the Mines Department. Should such reason be shown the head of the Mines Department shall cause the licence to be reissued on the payment of treble the usual fees: Provided always that the provisions of this section shall not apply in respect of claims held under a certificate of special registration as hereinafter provided in Part VII. hereof.

66. All claim licence moneys collected by the Government in respect of private land shall be divided equally between the owner of the farm or piece of land on which the claims are situated and the Government.

All such moneys collected in respect of Crown lands, including lands on which precious metals have been reserved to the Crown, shall accrue to the Government.

74. Every holder of a reef claim or block of reef claims shall deposit with the Magistrate in triplicate within six months after the date of issue of the first claim licence for the said claim or claims a surveyor's diagram of the said claim or claims duly approved by the Surveyor-General bearing a stamp of the value of ten shillings.

Such diagram shall be framed in accordance with the provisions of the Lands and Survey Ordinance, 1903, and any regulations made thereunder and shall show the boundaries of all claims in faint red lines.

80. A reef claim shall not be deemed to have been lawfully pegged off until the holder of the licence has himself in the presence and with the assistance of other persons placed a peg not less than twenty-four inches long and two inches thick at each corner.

Such pegs shall be sufficient indication of the pegging of any such claim for one month from the date of pegging, but at the expiration of the said period substantial stone beacons shall be built at each corner of the claim, or in cases of blocks of claims at each outside corner of the block. If in the latter case the beacons are not visible one from the other line beacons shall be erected along the boundaries of the block in such manner that adjoining beacons may be seen one from the other.

Each such corner beacon shall bear a board at least twelve inches square on which shall be painted in plain lettering the official number of each claim and the name of the holder or holders and the date of pegging.

In case any claimholder fails to erect such beacons at the time specified or to affix such boards as aforesaid he shall be liable on conviction for each offence to a fine not exceeding one pound, or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days.

81. Every person who shall peg off any claim under the provisions of this Ordinance shall within three days after such pegging report the same to the Magistrate, and shall file with him a sketch plan showing as nearly as may be the situation of such claim and such other particulars as may be prescribed by regulations. On failure to comply with the provisions of this section such area shall be deemed open ground for pegging by any person entitled to do so.

82. It shall be lawful for the holder of a claim or claims or a portion of a claim not held under special registration as provided for in Part VII. of this Ordinance on application to the Magistrate to transfer his claim or claims or portion of a claim to any person. Such transfer shall be registered by the Resident Magistrate on payment of a registration fee of five shillings per claim, provided always that in the case of reef claims

a surveyor's diagram of the claim or claims or portion thereof to be transferred has been deposited with the Resident Magistrate.

83. No person save as hereinafter provided whether discoverer, owner or member of the public as the case may be shall be entitled to peg off on any one public digging or proclaimed extension thereof more claims than the number to which he is respectively entitled under the foregoing provisions of this ordinance: Provided that—

In case any person who has legally pegged off any number of claims shall have parted with the same or any number of them by transfer under the provisions of this Ordinance he shall be entitled to peg off on any land duly open for pegging on the said digging any number of claims which together with the number pegged off as aforesaid which he still holds shall not exceed fifty.

In case any land in the said digging remains unpegged within sixty days after the date of the notice mentioned in section fifty-six it shall be lawful for any person whether he has pegged off the maximum area to which he is entitled as aforesaid or not to peg off any number of claims not exceeding fifty on the said land.

In case any claimholder desires to abandon any claims he shall be entitled to do so provided he makes application to the Magistrate and at the same time files with him a surveyor's diagram duly approved by the Surveyor-General and bearing a stamp of ten shillings showing any claims in the said mining property not so abandoned, and thereupon the Magistrate shall by notice in the *Gazette* declare the said claim to be abandoned and thirty days after the date of the said notice any such claims shall be open for pegging by any person entitled to do so. In such case the said claimholder shall be entitled to peg off on any land duly open for pegging any number of claims which together with the number which he still retains shall not exceed fifty.

84. Nothing in this Ordinance to the contrary shall prohibit any person from holding by transfer as many claims as he may wish, provided always that such transfer has been duly registered by the Resident Magistrate.

95. Notwithstanding any provisions of law to the contrary it shall be lawful for the Resident Magistrate to issue to a licensed prospector or to a person holding claims or a mynpacht a permit entitling him to purchase explosives up to but not exceeding one hundred pounds in weight per week to be used for *bonâ fide* prospecting or mining purposes only. On each such permit a stamp fee of one shilling shall be charged.

102. It shall be lawful for the holder of a claim, block of claims or mynpacht to construct upon any claim or mynpacht held by him any dam, well or bore, and to lead water therefrom by any pipe or other conduit to the mining plant or other buildings erected for mining purposes on the said claims or mynpacht.

105. In case of the transfer of the claims or mynpacht to which any mining water-right is attached the said water-right shall be deemed to have been transferred together with the said claims or mynpacht.

113. All wood growing on a public digging with the exception of trees or bushes planted subsequent to the proclamation in the areas enclosed under the provisions of section ninety-eight shall belong to the

owner of the land or farm on which such digging is situate, who shall have the right of disposing of it as he thinks fit.

115. It shall be lawful for every holder of a mynpacht or claim or parts thereof to obtain on application to the Resident Magistrate a certificate of special registration of his mynpacht or claim or parts thereof, together with any mining water-rights, rights of way, rights of leading water, machinery stands or any other rights or servitudes which he may hold in connection with the mynpachts or claims or parts thereof.

116. Each certificate of special registration shall bear a stamp of a value calculated at a rate of five shillings per claim and ten pounds for every mynpacht. No such certificate shall be issued unless all moneys due to the Government with respect to such claim, claims or mynpacht have been paid.

117. Whenever on any mining property any portion shall have been developed the holder thereof may apply for a certificate of special registration as aforesaid for the whole of such property whether it be a claim, block of claims or mynpacht within three months of such development. Should such holder fail to make such application within the said period of three months he shall on subsequently applying pay double the stamp fees hereinbefore provided for the application for a certificate of special registration.

118. A certificate of special registration granted in accordance with this Ordinance shall be indisputable evidence of the right of the holder to the property so registered unless it is shown that the said certificate has been obtained by fraud.

123. It shall be lawful for every holder of a mining property or stand to mortgage his interest therein or in any part thereof.

Such mortgage shall be passed before the Magistrate, who shall each month send a copy of all bonds so passed to the Registrar of Deeds for filing.

All other provisions of law with reference to the mortgaging of immovable property and the duties payable on the same (with regard *inter alia* to the rights of creditors, sales in execution, the drawing of deeds and bonds and the persons entitled to do so) shall apply to mortgages passed under the provisions of this section.

139. Any registered holder of a mining property shall on application to the Resident Magistrate be entitled to the occupation of a stand or stands within the proclaimed area one hundred and fifty feet square for the erection of mining plant or machinery or for the purpose of housing himself or his employees or for use as a tailing site for the purpose of exploiting such mining property: Provided always that the stand applied for is not held by another person as a claim, mynpacht, stand or water-right, and is not situated on any area reserved or enclosed under the provisions of this Ordinance.

147. All fees or dues prescribed by this Ordinance with the exception of the fees payable for claim, mynpacht and stand licences shall be paid by the persons by whom they are due and payable in the form of adhesive revenue stamps to be affixed to the documents to which they refer and cancelled by the officer by whom they are received.

SCHEDULE B.

	£	s.	d.
For every inspection of a mining document or record in the Resident Magistrate's office (sec. 16)	0	1	6
For every written extract from a mining record in the Resident Magistrate's office (sec. 16)	0	5	0
For every prospector's licence, per month in advance (sec. 18)	0	5	0
For the registration of a prospector's licence, on the issue thereof (sec. 18)	0	5	0
For registration of each mynpacht (sec. 40)	0	10	0
For every mynpacht licence, per annum, for each morgen, in advance (sec. 41)	0	10	0
For the registration of transfer of a mynpacht (sec. 42)	2	0	0
For the entry of name in Magistrate's list for prior right to issue of claim licences (sec. 53)	1	0	0
For the registration of a claim or block of claims on issue of licence (sec. 54)	0	5	0
For each reef claim licence, per month in advance (sec. 59)	0	5	0
For each alluvial claim licence, per month in advance (sec. 59)	1	0	0
For each developed reef claim per month in advance (sec. 61)	1	0	0
For every surveyor's diagram duly approved by the Surveyor-General (secs. 74, 83, 103, and 115)	0	10	0
For the registration of the transfer of a claim (sec. 82) held under ordinary licence—for each claim	0	5	0
For every application under section 91	0	5	0
For each permit for explosives (sec. 95)	0	1	0
For every application for a mining water-right and for every objection thereto (sec. 103)	0	5	0
For the registration of transfer of a mining water-right (sec. 106)	2	0	0
For every application for special registration and for every objection thereto (sec. 115)	0	5	0
On every certificate of special registration (sec 116)—per claim	0	5	0
per mynpacht	10	0	0
Registration of transfer of a certificate of special registration (sec. 120)	2	0	0
and 1 per cent. of value of property transferred.			
For every licence to deal in unwrought precious metals (sec. 127) £20 per annum, or £8 per quarter.			
For every mining stand licence (sec. 140)	0	2	6
For every application for a stand licence for mining purposes (sec. 140)	0	2	6
For every stand licence for mining purposes per month (sec. 140)	0	2	6
For every application for a trading stand (sec. 141)	0	5	0
For every trading stand per month	1	0	0

CHAPTER XVII.

RHODESIA.

Vested Powers.—The territory of Rhodesia, so named in honour of its founder, the late Mr Cecil Rhodes, is held by the British South Africa Company under a Royal Charter of October 1889, which vests it with legislative and executive powers. All ordinances are, however, subject to confirmation by the High Commissioner of South Africa, and to the veto of the Secretary of State for the Colonies in England. Rhodesia has been so much before the British public of late that any further general remarks regarding the country or its government will be quite unnecessary.

Boundaries and Mineral Productions.—Southern Rhodesia extends from the Limpopo river, which is the northern boundary of the Transvaal, to the river Zambesi. On its western side lies the Bechuanaland Protectorate, and on its eastern the territory of Portuguese East Africa. It is to this country that the mining laws which we will proceed to discuss principally are made to apply. Northern Rhodesia lies north of the Zambesi river, and extends north to Lakes Tanganyika and Mweru, with the Congo Free State territory on its western, and that of the British Central African Protectorate on its eastern boundary. The principal mineral productions of these territories are gold, copper, iron, and coal, the first and the last of these only being at present commercially worked. All property in minerals, and mining rights, in the Rhodesian territories is vested in the Crown, and has devolved by the Charter of October 1889 to the British South Africa Company, whose system of mining law may be described as the claim system greatly modified as compared with the Australian and American laws, from the latter of which, however, it has copied many of its more prominent features. In principle, it inaugurates a kind of copartnership between the miner and the suzerain Company, which is somewhat of a novel experi-

ment in mining law. A very short form of prospecting licence is issued, as quoted towards the end of this chapter, which is not, as usual, followed by a mining lease, but in itself carries title to mining property, in conjunction with certain registration and inspection certificates described further on. The whole base of the system appears to be the co-operation between the Company and the miners.

Any person resident in the country may take out a prospecting licence of unlimited duration, each such licence bearing a £1 stamp, on complying with the provisions of the law. This licence confers the right to prospect for any minerals to which the right can be acquired under the Ordinance; also to locate and acquire one block of ten mining claims, one alluvial claim, or one of any other form of mining location obtainable under the Act; also certain rights in connection therewith to water, timber, and free grazing; and, on having complied with the law in respect of such mining location, to repeat the process *ad libitum*. These prospecting licences are not transferable, but may be used by a representative under power of attorney.

Discovery Notices and Registration.—On discovery of any mineral deposit on which he may desire to claim the right to work, the prospector must put up a notice, in a certain prescribed form, called the "discovery notice," at or near the point at which he proposes to commence work, due formalities being observed and notices given on posting it. The posting of such notice secures to him the right to prospect the ground within a radius of 1000 feet from his discovery point during a period of thirty-one days, or, if the discovery be made by means of a bore-hole, for a period of ninety days. Within the time allowed as above for prospecting, the holder of the prospecting licence may peg off a block of ten claims, that is to say, an area of 1500 feet along the course of a vein by 600 feet in width across the strike of the vein. On this block he has to put up certain beacons and a notice called the "registration notice." Within thirty-one days of the posting of such notice the prospector must apply for and obtain from the Mining Commissioner of the district a "certificate of registration" carrying a five-shilling stamp. This certificate confers upon the holder the exclusive right of mining within the vertical boundaries of the located block, and also of following down the vein on its dip beyond the vertical boundaries of the block in that direction. This is known as the "extra-lateral right," and is a direct importation from the United States of North America, where it has generally been prolific in law-suits. How it will work in Rhodesia remains to be seen.

The holder of the registration certificate, having thus secured his title to one block of mining ground, is free to go on making use of his prospecting licence and repeat the process, acquiring as many locations as he may desire or may have the means of working or holding.

Inspection Certificate.—On the block taken up under the registration certificate, the holder must within four months of his obtaining such certificate do not less work than 30 lineal feet of driving tunnels or sinking shafts, such work being described as "development work." Having done this, he obtains from the Mining Commissioner an "inspection certificate," which secures his title to the ground for one year. During each succeeding year, 60 feet of such work must be done to continue the title, or, failing this, the holder of the ground must pay to the British South Africa Company a fine which, commencing at £5 per block of ten claims for the first year, rises to £30 per block in the fifth and following years, to secure his title. This fine amounts to an annual rental of about thirty shillings per acre—a computation which will be found useful in making a comparison with the Transvaal and other mining laws, in which rent is an essential part of the system.

Partnership Arrangement with British South Africa Company.—Before commencing actual mining work, the holder of the ground has to conclude an arrangement with the British South Africa Company, whereby the Company's share in the profits of the mine is secured. These terms are arranged on no absolutely definite rule, but on the merits of each case separately—usually from 20 to 50 per cent. of the shares in a company or of the net profits of the mine appear to be claimed by the suzerain Company. In addition to this profit-sharing, the mine-owner also pays a rental, or licence money, of ten shillings per month per claim—about £2 per acre—half rental only being charged on claims from which no ore has been taken during the month. Sites for machinery and mine buildings may, under certain conditions, be secured at a rental of five shillings per acre.

The sale and transfer of mining properties is allowable on arrangement with the British South Africa Company and on conforming with certain regulations.

Prospecting for Coal.—Prospecting for coal may be carried on by the holder of an ordinary prospecting licence on an allotted area not exceeding 150 morgen—about 300 acres—for one year, with the right during that time to acquire a coal-mining location within the area of from 50 to 150 morgen, according to the amount of money he has expended on the prospecting work. Subsequently

a dead rent of £1 per 50 morgen per annum has to be paid, with a royalty of one shilling per ton of coal raised above 20 tons for every 50 morgen—100 acres—of the area of the mining location. In several cases very large areas of prospective coal-bearing country have been concessioned to public companies under specially arranged conditions.

Other Minerals.—The holder of a prospecting licence may also prospect for copper and other minerals by locating an area limited to three blocks of claims—4500 feet by 600—and may work the ore under the same regulations as obtain for the working of gold; but on discoveries of such a nature being made special terms are usually arranged.

Certain clauses in the Ordinance partake of the nature of mining regulations, and provide for the general safety of persons and property, also penalties for contravention of the law. The Mining Commissioner of each district is vested with magisterial powers, but subject always to appeal to the Administrator.

The Mining Ordinance of 1903.—The following are the more important clauses of the Mines and Minerals Ordinance of 1903, copies of which can be obtained at the offices of the British South Africa Company, 2 London Wall Buildings, E.C.

EXTRACTS FROM THE MINING ORDINANCE OF 1903 OF THE BRITISH SOUTH AFRICA COMPANY.

3. The right of searching and mining for and disposing of all minerals, and mineral oils, notwithstanding the dominion or right which any person, company, syndicate, or partnership may possess in and to the soil on or under which such minerals, and mineral oils, are found or situated, is vested in the British South Africa Company.

4. Under this Ordinance rights can be acquired, as herein provided, to all minerals and mineral oils, except precious stones and stones for building purposes, to which this Ordinance shall not apply, and except where otherwise provided in any title-deed to land already or which may hereafter be granted or issued by the British South Africa Company.

7. In the interpretation of this Ordinance all words shall be understood in the sense which they bear in ordinary use, except that the significance to be attached to the under-mentioned special terms shall be as follows:—

(2) "Reefs," "veins," "lodes," or "ledges." These terms shall be used synonymously and interchangeably, with a more comprehensive meaning than their technical definitions convey, and shall be understood to include all forms of ore deposits occurring in the earth's crust that have been deposited in the enclosing country rocks, or subsequently to

the formation of the enclosing country rocks. In this category are included true fissure veins, contact veins, segregated veins, gash veins, bedded veins, metalliferous bankets, such irregular deposits as conform generically to the above classification, and beds of any mineral, such as beds of ironstone, etc., but mineralised zones and alluvial or placer deposits are not included.

(3) "Reef in place." A body of ore-bearing veinstone, contained within defined boundaries, in the mass of the earth, all ores known as "float ores" which have been removed from their original place of deposition being excluded.

(4) "Alluvial" or "placer deposits." These terms shall be used synonymously and interchangeably to include all forms of mineralised deposits which do not fall within any of the other categories mentioned above.

(7) "Reef claim," the form of mining location applicable to reef deposits. The normal form of a reef claim shall be a parallelogram, the maximum length of the shorter sides running in the direction of the course of the reef (hereafter designated "side lines") being 150 feet, and of the longer running at right angles to the said lines (hereafter designated "end lines") being 600 feet.

(8) "Block." A block of reef claims of similar form not exceeding ten in number, so situated that, except in the case of the outside end lines of the two outside claims of the block, each end line is common to two claims, whilst the side lines of the claims form two straight lines running in the course of the reef and constituting the side lines of the block, the end lines of the block being constituted by the outside end lines of the two outside claims. The normal form of a block is accordingly a parallelogram, the maximum length of the sides running in the direction of the course of the reef (hereafter designated "side lines") being 150 feet for each claim included in such block, and of those running at right angles to the side lines (hereafter designated "end lines") being 600 feet.

(10) "Alluvial claim." An alluvial claim shall be either of regular form in the shape of a square with sides 200 feet in length, or of irregular form comprising an area not exceeding 40,000 square feet.

(12) "Extra-lateral right." The right of following a reef on its dip in any block beyond the limits of the vertical block.

(14) "Course of a reef." A line on surface marking the intersection of the centre of a reef with such surface. In cases where the whole or any portion of a reef is situated below the surface of the ground, the course of such reef shall be ascertained by projecting vertically to surface the various points at which the centre of such reef approaches nearest to the surface, when the various points thus obtained shall be deemed to constitute the course of such reef.

(15) "Point of departure." Any point at which the course of a reef crosses a boundary of a mining location.

(21) "Precious metals." This term shall be understood to mean and include gold, silver, and platinum in an unmanufactured state, as also valuable slimes, concentrates, slags, tailings, residues or amalgam, containing such precious metals as aforesaid.

8. Any person of full age and every duly appointed agent of any syndicate or company carrying on business in Southern Rhodesia may, when duly authorised by the Administrator, take out at the office of a Mining Commissioner a prospecting licence or licences. Each such licence shall bear a stamp of the value of one pound sterling.

11. Every holder of a prospecting licence shall be entitled to the following rights :—

(1) The right, subject to the provisions and limitations in the next succeeding section 12 contained, of prospecting and searching for any minerals to which rights can be acquired under this Ordinance, either on any Government land or on any private land the title to which is subject to a reservation in favour of the British South Africa Company of all metals and minerals, or of the power to make grants of the right to prospect for metals or minerals.

(2) The right, subject to the provisions hereinafter contained, of pegging off either :—

(*a*) One block of reef claims ;
(*b*) One alluvial claim ;
(*c*) Or any other mining location.

And when *bonâ fide* employed under any prospecting licence or licences in the pursuit of any of the rights conferred by (1) and (2), the onus of proof whereof shall lie upon the holder of such licence.

14. Posting of a discovery notice in the manner set forth in the last preceding section shall confer upon the holder of the prospecting licence under which it is posted the exclusive privilege of prospecting for a period of thirty-one days from the time of such posting as aforesaid on all ground open to prospecting within an area described by a radius of one thousand feet from the discovery point. In the event of the course of a reef being discovered by means of a bore-hole within the said thirty-one days, a further period of ninety days reckoned from the day of such discovery shall be allowed for prospecting.

15. Any holder of a prospecting licence after the posting of such discovery notice as in the last preceding section mentioned and at any time within the period therein mentioned may peg off a block and thereafter before the expiration of such period post a notice (to be styled the "registration notice") on a substantial support in a conspicuous and accessible place upon such block. Failure to peg off such block and thereafter to post such registration notice within such period as aforesaid shall be deemed to constitute abandonment of all rights acquired by the posting of such discovery notice.

16. (1) To locate a block of regular form (which for a ten-claim block is a parallelogram not exceeding 1500 feet in length nor 600 feet in breadth) :—

(*a*) A pegger shall first measure off along a straight line in the direction of the course of the reef a maximum distance of 150 feet in respect of each claim, not exceeding ten in all, which he desires to include in the block.

(2) A block of ground of irregular shape may be located as an irregular block, provided that :—

(a) It is bounded on not more than two sides by ground open to prospecting;

(b) Its area does not exceed that of a regular block of ten claims;

(c) No boundary line shall be more than 1500 feet in length.

18. The holder of any block upon which such registration notice as in section 15 mentioned has been posted may, on application to the Mining Commissioner within a period of thirty-one days after the date of posting of such registration notice, obtain a certificate of registration, which shall bear a stamp of the value of five shillings.

(3) Failure to apply for such a certificate of registration as aforesaid within the aforesaid period of thirty-one days shall be deemed to constitute abandonment of the right to register such block as aforesaid: Provided that the Mining Commissioner may, at his discretion, extend the aforesaid period of thirty-one days for a further period of thirty-one days.

22. Every holder of a registered block of reef claims shall possess the following mining rights:—

(1) (a) The exclusive right of mining all such portions of his discovery reef as may be comprised within his vertical block.

(b) And also the extra-lateral right of pursuit of such portions of his discovery reef as it descends outside the limits of his vertical block as are comprised between vertical planes indefinitely extended and passing through the end lines of such block.

(2) (a) The exclusive rights within the limits of his vertical block of prospecting for and discovering any other reefs which may exist within such limits in addition to his discovery reef, such reefs being hereinafter designated "secondary reefs."

(b) The right after discovery of any such reef and posting a discovery notice as nearly as material in the form No. 2 in the third schedule to this Ordinance (to which the conditions laid down in section 16 shall *mutatis mutandis* apply) of registering such reef (under the conditions *mutatis mutandis* laid down in section 18 in so far as applicable) as a secondary reef in his block, and thereafter of mining it under the same rules and conditions as a discovery reef.

24. (1) A claimholder shall, after the posting of his registration notice and within a period of four calendar months from the date of the registration of his block (or if there be no date in such fourth calendar month corresponding to the date of such registration, then before the end of such fourth calendar month) execute at least 30 feet of development work upon his block, of the nature set forth in the next succeeding section, and apply to the Mining Commissioner for and obtain an inspection certificate.

(2) For each succeeding year from the close of the aforesaid period of four calendar months from the date of the registration of his block, except as provided for in section 44 of this Ordinance, a claimholder shall execute at least 60 feet of development work of the nature set forth in the next succeeding section, and shall at or before the end of such year apply to the Mining Commissioner for and obtain an inspection certificate.

26. Failure to obtain either a first or any subsequent inspection cer-

tificate within the period prescribed therefor by section 24, or, in lieu thereof, to obtain protection as hereinafter provided, shall render liable to forfeiture any block in respect of which such failure shall have taken place: Provided, however, that a claimholder may obtain a first or subsequent inspection certificate in respect of every ten claims or such portion of ten claims (not being claims upon land reserved for the purposes of any town or village) registered under the same official number on payment to the Mining Commissioner of the sums following:—

For a first inspection certificate	£5
For a second inspection certificate	10
For a third inspection certificate	20
For a fourth inspection certificate	20
For a fifth or any subsequent inspection certificate .	30

Provided further that, in respect of claims registered prior to 21st August 1895 (not being claims upon lands reserved for the purposes of any town or village) upon which fifth free inspection certificates have been granted, if sixth and subsequent inspection certificates are obtained by payment the sums payable shall be those payable for second or subsequent inspection certificates respectively as set out above.

40. Every registered mining location shall be held by the registered holder thereof on joint account with the British South Africa Company, in the proportion of seven-tenths by the registered holder and three-tenths by the British South Africa Company, and every transfer, hypothecation, or option thereof or thereon, or of or on any interest therein, shall be subject to the rights of the British South Africa Company: Provided that the provisions of this section shall not apply to an alluvial deposit in any alluvial claim.

41. Save as hereinafter by section 44 provided, no registered mining location, other than an alluvial claim in respect of an alluvial deposit therein, shall be worked for profit until such time as terms upon which such working for profit shall be permitted shall have been arranged with the British South Africa Company. Any person contravening this section shall be liable to the prescribed fine, and shall in addition thereto be liable for any loss of profit or any damage that may be sustained by the British South Africa Company by such working.

42. The holder of any registered mining location, in respect of which a certificate of registration shall have been obtained, may submit to the British South Africa Company details of a scheme whereby such location may be discharged from the provisions of the last two preceding sections and be acquired by any company for the purpose of working such location for profit; and, in the event of such a scheme receiving the approval of the British South Africa Company, such holder may carry out such scheme, but not otherwise: Provided that no modification of any such scheme approved as aforesaid shall be permitted until the approval of the British South Africa Company shall have been applied for and obtained.

43. From such dates subsequent to the issue of a certificate of registration in respect of any block of reef claims, as such block shall have been worked for profit, licence money shall be payable monthly by the

registered holder of such block to the Mining Commissioner at the rate of ten shillings per month in respect of each claim which such block contains, and the provisions of sections 24 and 26 shall cease to apply to such block: Provided that:—

(1) A licence of five shillings only shall be paid in respect of each of the claims in any block for any month in which no ore shall have been stoped in such block, but the holder thereof to be entitled to such reduction shall file with the Mining Commissioner a declaration to that effect, and pay such reduced amount on or before the fifteenth day of the succeeding month.

85. Any person who has, by virtue of any special grant, the right to mine for any mineral on or under any land, may, in case the exclusive use of a portion of such land is required for the purpose of such grant or assignment, obtain such exclusive use upon such terms either in respect to its extent and situation or to the rental or price to be paid for the same, and improvements thereon, as may be agreed upon with the proprietor, or failing agreement, as may be determined by arbitration.

100. The holder of a prospecting licence may prospect for coal on any land open to prospecting, and may apply to the Mining Commissioner of the district in which the coal is situated for a portion of land or area not exceeding 150 morgen in extent as a "coal prospecting area." Such application shall be accompanied by a solemn declaration that indication of the existence of coal has been discovered by him and a sketch plan showing the locality and position of the area.

101. The Secretary for Mines, after having examined the sketch plan, and being satisfied with the same, and that the ground is open for prospecting, shall instruct the Mining Commissioner of the district to issue a certificate with regard to such coal prospecting area, and to post a notice in his office that such prospecting area is reserved against all prospecting by others for a period of one year commencing from the date of the said certificate.

104. The exclusive right to prospect for coal on or under any area as aforesaid shall continue for the period of one year reckoned from the date of the granting of the coal prospecting area. If, however, no actual or *bonâ-fide* prospecting operations are carried on or continued during such year the right to prospecting shall cease and determine, and the coal prospecting area or any portion thereof be open to prospecting or beaconing off by others.

105. Upon the actual discovery of coal within the coal prospecting area during the time in the preceding section mentioned, the holder shall have the right to select and peg off in any part of it a definite coal location, in figure rectangular or approximately square, of fifty, one hundred, or one hundred and fifty morgen.

109. The selection of a coal location shall provisionally protect the holder or owner thereof against all prospecting and pegging whatever by other persons, until a certificate of registration shall have been obtained which shall confer full protection.

111. The holder or owner of the coal location shall annually pay in advance the sum of £1 to the Mining Commissioner, commencing from

the date of the notification of the definite selection thereof, for every fifty morgen of the location, and shall also pay a royalty of one shilling for every ton of 2000 lb. of coal raised in each year over twenty tons for every fifty morgen. The royalty shall be collected and paid as the Secretary for Mines shall direct. No royalty shall be payable on coal consumed in the furnaces on the location for the purpose of profitably working the same for coal.

117. The holder of a prospecting licence may prospect for copper on any land open to prospecting under this Ordinance, and may peg or beacon off under such licence a portion of land to be called and registered as a "copper location."

118. A copper location may be pegged in any shape and be equivalent in area to not more than thirty reef claims of ninety thousand square feet each.

123. No extra-lateral rights exist in the mining of a copper location.

125. Every registered holder or owner of a copper location shall pay monthly in advance to the Mining Commissioner of the district by way of claim licence the sum of five pounds sterling as soon as working for profit of his location commences. The Mining Commissioner shall have the right to determine the day on which such working for profit shall be taken to have commenced.

126. The fee for inspection certificates in respect of a copper location shall be, by work ten shillings, and if by payment, according to the tariff provided by section 26 of Part II. of this Ordinance.

128. Under and subject to all the terms and provisions of this part of the Ordinance it shall be lawful to prospect for and register a location in regard to iron, lead or tin.

Prospecting Licence.

Official No.....

Mining Commissioner's Office,

.....

.....19...

Licence is hereby granted, under the provisions of the Mines and Minerals Ordinance, 1903, to ..... to prospect and search for any minerals, or mineral oils, to which rights can be acquired under the aforesaid Ordinance, upon any ground open to prospecting in Southern Rhodesia.

.....

(Signature of Mining Commissioner.)

Grading of Footage for Development Work.

Dimensions.

No shaft, winze, rise, drive, adit or tunnel of less superficial area than 15 square feet shall count as development work.

Each foot of any shaft, winze or rise of 15 to 40 square feet superficial area shall count as one foot of development work.

Each foot of any shaft, winze or rise of over 40 and up to 65 square feet superficial area shall count as two feet of development work.

Each foot of any shaft, winze or rise of over 65 square feet superficial area shall count as three feet of development work.

Each foot of any drive, and adit and tunnel from surface of 48 square feet superficial area and over shall count as two feet of development work.

Depth.

Each foot of any portion of a shaft, winze or rise or any drift, the floor of which is 60 feet below the natural surface at the working point, shall count as one foot of development work; exceeding 60 feet and up to 100 feet, as one and a half feet; exceeding 100 feet and up to 200 feet, as two feet; exceeding 200 feet and up to 300 feet, as three feet; exceeding 300 feet and up to 400 feet, as four feet; exceeding 400 feet and up to 500 feet, as five feet; and exceeding 500 feet, as six feet.

Distance from Entrance.

Each foot of any portion of an adit or tunnel from surface, which is 100 feet to 300 feet from a point in the centre of the roof at the entrance, shall count as one and a half feet of development work, and each foot of any portion 300 feet or more from such point shall count as two feet of development work.

General.

All dimensions must be taken at right angles to the line of direction of the work, and in the clear between outside timbers if in position, or allowing for them if they are to be put in later.

Depth in incline work is to be measured off on the incline. The allowances for dimensions and depth or distance from entrance will be cumulative, viz. each foot of any portion of a shaft of over 65 square feet superficial area, which is over 100 feet from the surface, shall count as six feet of development work.

Allowance for Diamond Drilling.

Each foot drilled either vertically or horizontally for a distance of 300 feet below the natural surface to count as one foot of development work; exceeding 300 feet and up to 600 feet, as two feet; exceeding 600 feet and up to 900 feet, as three feet; exceeding 900 feet and up to 1200 feet, as four feet; exceeding 1200 feet, as five feet.

CHAPTER XVIII.

THE COMMONWEALTH OF AUSTRALIA.

The States.—The six self-governing colonies of New South Wales, Victoria, Queensland, South Australia, Tasmania, and Western Australia are now federated as States under one central government, and form the Commonwealth of Australia. Up to the present time the Federal Government has taken no action with regard to the mining laws, which remain, as hitherto, under the jurisdiction of the several State legislatures.

Claim System.—The mining law as in operation in the Australian Commonwealth represents the claim system in its most advanced democratic form, and the legislative Acts by which it is promulgated, with their numerous amending Acts, form so voluminous and complicated a mass of literature that it will not be possible to lay before the reader more than a mere outline of the system, as in vogue in each of the six States, with some of the most important clauses extracted from the various Acts and Regulations. The greater part of the intricate and detailed instructions regarding the pegging out and tenure of alluvial gold claims, the constitution and powers of Mining Boards and Diggers' Committees, the procedure of the Warden's Court, and other matters now obsolete or of little but local interest, are omitted as of no great importance to European readers. Legislation regarding mining leases, as affecting more general interests, is as fully quoted and commented on as space permits.

Gold-mining. — Gold-mining has hitherto formed, both in magnitude and value, the larger part of the mining industry of Australia. About the middle of last century, the alluvial goldfields of Australia attracted numbers of energetic men of all classes of society, and rushes of diggers from one part of the country to another took place as the rich diggings were successively discovered. Means of communication between these scattered localities and the centres of government were in those days

uncertain, slow, and insecure, and it was necessary, in the interests of order and security, to establish on the spot some authority with power to deal with mining rights and to settle disputes between the diggers. Thus arose the Warden, with his subordinate officials and court, in each mining district, assisted by assessors elected by the people, with summary jurisdiction regarding the methods of acquisition and conditions of tenure of mining properties. Here also, and for the same local reasons, came into existence the locally elected Diggers' Committees and Mining Boards whose enactments in the past formed the basis of the present mining law of Australia, and whose bye-laws now govern much of the local legal procedure. True to their local origin, these mining laws are the most democratic in principle and the most decentralised in practice of any in the world, and they fulfil their original intention of providing security for the local miner and for local mining interests through local channels; but they offer no inducement for the employment of outside capital or security for it when introduced.

Crown Lands and Crown Rights.—In the earliest times, all the land in the newly discovered country was nominally the property of the Crown, by whom portions of it were granted to settlers in fee simple without any reservations. After the discovery of gold or other minerals these "alienated" lands were in many cases conveyed with a reservation that on discovery upon it of gold or other valuable mineral deposits the land in whole or in part could be resumed by the Government for mining purposes, compensation being paid to the owner for all improvements and everything except the prospective value of the reserved minerals. There are thus two classes of mining land to be considered: (1) Crown lands, which have never been alienated, or which have been resumed by the Government from private ownership as mineral lands: all minerals on these are the property of the Crown; (2) private lands, which are either not resumable, by reason of the early form of tenure or some special grant, or have not been resumed for mining purposes: on these lands, all minerals, except gold and silver, belong to the landowner—gold and silver to the Crown. The Land Acts, as well as the Mining Acts, of the several States of the Federation bear a very strong resemblance to each other. In all cases the entrance upon resumable land for prospecting purposes is allowed, and in some cases upon unresumable land also. On the discovery of payable gold on Crown or resumable land, the Government has the right to proclaim the district as a public gold-field, on which any duly authorised person may enter for the purpose of prospecting and locating mining claims.

Miner's Right.—In all the Australian States, the basis of title to mining property is the miner's right, a document which may be obtained by any person of European descent at any Warden's office on payment of a small fee. The holder of this miner's right has the privilege of entering upon any Crown lands for the purpose of prospecting, and also of securing in his own right certain claims, or areas of mining ground, with residential space, and the use of water, timber, and stone. On registration of these acquisitions at the local Warden's office, they become his property, subject to the payment of certain small fees, and the observance of certain conditions of tenure, the most onerous of which are the obligations of continuity of work on the ground, and the constant employment of a definite number of workmen. This latter obligation constitutes the notorious *labour conditions*, which form a unique point in the Australasian mining law.

Mining Claims may be amalgamated into blocks, and sold or dealt with as in the case of any other personal property; and mining leases are also granted to owners of amalgamated blocks of claims for limited areas and limited time. The holding of large areas of mining ground or lengthy leases is not encouraged. In **Mining Leases** the obligations of each included claim are aggregated on the whole area, thus giving a title somewhat more secure from sudden attack than in the case of the ordinary claim; but in all cases the labour conditions are assumed to be strictly enforced, and non-observance of these vitiates the title and lays the property open to confiscation. Under these conditions, there can never be any secure or indefeasible title to mining property, as, however much they may be reduced as regards the number of men covenanted to be employed, the employment of even one man may be under some circumstances beyond the power of the mine-owner, and thus his property may lie open to forfeiture for reasons over which he has no control. Proposals have been frequently made to amend this objectionable law by granting to the owner of a mine immunity from all labour conditions and an indefeasible title after some considerable sum of money has been spent on the mine, as is the case in Canada and the United States of America; but so far the suggestion has come to nothing. Another law, very detrimental in its action to the mining industry, although not solely a part of the mining law, is that which prohibits the employment of coloured or alien labour. Until this is relaxed, the mines cla the northern and tropical districts of the Commonwealth can in cour cases be profitably worked.

discov the mining of minerals other than gold, documents known localitie *al licences* are issued; these confer upon the holder much

the same privileges as does a miner's right for gold-mining. The areas covered by mineral leases are generally larger than those granted for gold-mining, but the conditions of tenure are the same in principle.

Mining Law.—We will now proceed to review the mining laws of each of the States of the Commonwealth separately. Though alike in principle, they differ somewhat in detail.

NEW SOUTH WALES.

Mining Rights and Laws.—In 1861 minerals were, it seems, reserved to the Crown on sales of land for agricultural purposes, but could be acquired by the landowner by paying of two pounds per acre and the expenditure of an equal sum on prospecting work. Mining rights for gold are in all cases vested in the Crown, and those for other minerals, in titles dating prior to 1884, in the landowner, unless specially reserved by the conveyance. Since that date, all minerals are reserved to the Crown.

The Mining Act of 1874, with numerous amending Acts, governs the present mining procedure in New South Wales. It provides for the administration of all mining matters relating to Crown lands by a Minister of Mines with certain subordinate officials. It also constitutes the following as mining districts:—the Mudgee Mining District; the Tambaroora Mining District; the Bathurst Mining District; the Lachlan Mining District; the Southern Mining District; the Turnut and Adelong Mining District; the Peel and Uralla Mining District; the New England and Clarence Mining District; and provides for the appointment of Wardens and other officers, and the establishment of Wardens' Courts and local Mining Boards. The Act also empowers the Government to declare any Crown lands in the State, on which auriferous discoveries have been made, to be a public gold-field, and to appoint on these Wardens and other officers to administer the law. No officer of the Government is allowed to hold any mining interest in the district to which he is attached in his official capacity. Miners' rights, which may remain in force for any time not exceeding fifteen years, are issued at the Wardens' offices to any person applying for the same, on payment of a fee of five shillings per annum. The holder of a miner's right is entitled, for the purpose of gold-mining, and in accordance with the regulations in force from time to time, to enter and reside upon any Crown lands, and to make use of water, timber, and stone for such mining purposes, and no person is permitted to prospect, mine, or

register himself as the owner of mining property without such a miner's right. The plot of land taken up and held under a miner's right is called a claim, as distinguished from a mining lease. Claims may be amalgamated, and a mining lease be obtained for the block, which, in the case of gold-mining, must not exceed 25 acres. These leases are issued for a term of fifteen years, at a rental of twenty shillings per acre or part of an acre per annum. Leases for metalliferous minerals, other than gold, are granted for twenty years; the area of the property must not exceed 80 acres in extent, and a fixed rental is imposed at the rate of five shillings per acre or part of an acre per annum. There is no royalty or tax to be paid on metalliferous minerals produced in New South Wales. Leases for coal-mining must not exceed 640 acres in extent; they are in force for a term of twenty years, and are renewable at the option of the lessee for a further similar term. A royalty of sixpence to one shilling per ton is payable to the Government on all coal extracted from Crown lands under coal-mining leases.

The conditions of tenure of mining properties, notably the labour conditions, are not conspicuously stated in the Mining Act of New South Wales, but they will be found distinctly set out in the clauses quoted from the mining lease regulations and the mineral lease. The title to mining property rests wholly on the punctual payment of the rent and the continuous employment of the stipulated number of men upon the ground.

EXTRACTS FROM "THE MINING ACT, 1874."

10. It shall be lawful for the Governor by proclamation in the *Gazette* to declare any Crown lands to be a gold-field within the meaning and operation of this Act to define the limits and boundaries thereof and to assign a designation thereto and from time to time to alter amend and vary such limits boundaries and designation: Provided that all such proclamations as aforesaid and all proclamations affecting boundaries shall be made by the Secretary for Lands.

14. It shall be lawful for the Governor to cause documents to be called "miners' rights" to be issued in the form set forth in the third schedule hereto. And every such miner's right shall be in force for any period not exceeding fifteen years from the date thereof and shall be granted to any person applying for the same upon payment of a sum at the rate of ten shillings for every year for which the same is to be in force. And where such miners' rights shall be applied for to be in force from the date thereof to the 31st day of December then next ensuing the same may be granted to the person applying therefor between the 1st day of January and the 30th day of June in each year upon payment of a fee of ten shillings and after such last-mentioned

day upon payment of a fee of five shillings: Provided that every such miner's right shall be deemed to expire on the 31st day of December in the year or last year of the period for which it shall have been granted.

15. Every holder of a miner's right and any number of persons collectively being each the holder of such miner's right shall subject to the provisions of this Act and the Regulations thereunder be entitled (except as against Her Majesty) to the following rights and privileges viz.:—

(1) To enter upon mine in and occupy for gold-mining purposes or for residence during the continuance of such miner's right any Crown lands and in the prescribed manner quantities dimensions and according to the prescribed boundaries and according to the Regulations in force from time to time: Provided that such quantities dimensions or boundaries shall not be prejudicially affected by any regulation made after the time of taking possession:

(6) To the possession of and property in during the continuance of such miner's right such portion or portions of Crown land as aforesaid or occupied for residence and to the absolute property in all gold found during the continuance of such right in or upon such portion or portions of land whilst being in the lawful occupation of the holder of such right as aforesaid: Provided that it shall be lawful for any holder of a miner's right to take possession of Crown lands for the purpose of mining thereon for gold under the provisions of this Act either for himself or if authorised by such persons on behalf of any number of persons collectively not exceeding five being each the holder of a miner's right.

16. The person or persons or any of them who shall have taken possession or be in the occupation of any claim not being a block claim in new ground (viz. ground not worked or abandoned) or the executors or administrators or the assignee or assignees in insolvency or the guardian in infancy or the committee or guardian in lunacy or the purchaser under an execution of the interest of such person or of any of such persons shall within one calendar month after their right to such occupation or possession or other derivative or representative interest respectively first accrued register such claim and the owner of any share as hereinafter mentioned in a registered claim shall within a like period after his title to such share first accrued register such share in the office of the Mining Registrar of the mining district wherein such claim or share is situated in the prescribed manner: Provided that no claim shall be registered unless the miner's right or miners' rights under which such claim shall be held shall be produced to the officer required to register the same. And any such person or persons as aforesaid who shall neglect to register any such claim within the said period shall if he or they shall work or mine in such claim incur the respective penalties hereinafter prescribed for unauthorised mining on Crown lands and shall be deemed to have abandoned the said claim to all intents and purposes and such claim shall and may thereupon be dealt with as an abandoned claim. Provided always that if it shall be shown to the satisfaction of the Warden that any such neglect to register has been caused by the sickness absence or other like disability of any such

person or persons as aforesaid then it shall be lawful for such Warden to extend the time within which such registration may be made to a further period not exceeding fourteen days from the expiration of the said first-mentioned period.

17. After but not before the registration of any such claim as aforesaid, the owner or owners thereof for the time being may subject to the Regulations from time to time divide the interest in such claim into such and so many shares as he or they shall think proper any of which may be allotted to any person or persons and may assign or encumber or create any interests in such claim and the owner or owners for the time being of any such share may if the same shall be registered subject to such Regulations assign or encumber or create any interest in such share and in such manner and subject to such registration both in regard to claims and shares as such Regulations shall direct and until and in default of such direction either orally or by any instrument in writing: Provided that the miner's right or miners' rights under which any claim shall be held may be transferred to or to any person on behalf of the assignee or assignees of any such claim and the officer appointed to register claims shall upon being so required endorse the name of the transferee upon every right so transferred and thereupon the same shall for the remaining period of its currency vest in the transferee thereof as fully as if he had been the original grantee thereof but subject to any trusts or conditions agreed upon on the occasion of such transfer: Provided also that the owners of any two or more adjoining claims may whether such claims have been registered or not amalgamate the same but every such amalgamation shall be registered by such owners in the prescribed manner.

18. Every share or interest in any claim or portion of land occupied for business or residence under this Act and any right title or interest acquired or created under the provisions of this Act or any regulation to be made thereunder shall be deemed and taken in law to be a chattel interest.

19. No person shall be entitled to institute proceedings in any Court whatsoever to recover possession of any claim or of any share therein or to recover damages for or to restrain the occupation of or encroachment upon such claim or any part thereof or to obtain any relief as tenant in common joint tenant co-partner or co-adventurer or to recover any interest or part interest in any water-race dam or reservoir used or to be used for or in connection with gold-mining unless such person shall have been the holder of a miner's right at the time when his alleged title to recover such possession or damages or interest or to obtain such relief first arose or accrued: Provided that the production in such Court by any person of any certificate of registration under the hand of a Mining Registrar or Warden's Clerk shall be sufficient evidence that the person named in such certificate was the holder of a miner's right at the date of such certificate and that all the requirements of this Act and the Regulations necessary to vest the title to such claim as aforesaid in such person had been complied with by him up to the date of the registration thereof.

20. If there be held from time to time by or on behalf of the owner or

owners for the time being of a registered claim such a number of miners' rights as would have authorised the taking possession thereof when the same was taken possession of then it shall not be necessary that any other miner's right should be held by any shareholder in such claim as such shareholder. And the word "owner" in this and the seventeenth section hereof shall be taken to include any guardian in infancy or committee in lunacy as aforesaid.

33. It shall be lawful for the Governor in the name and on behalf of Her Majesty to grant subject to the provisions of this Act and the Regulations to any holder of a miner's right applying for the same a lease of any Crown land not included within the exemptions contained in the next following section for the purpose of mining thereon or therein for gold or of cutting and constructing thereon water-races, drains dams reservoirs and tramways to be used in connection with such mining or of erecting thereon any buildings and machinery to be used for any process whatsoever in connection with the extraction of gold or for pumping or raising water from any land mined or worked or intended so to be for the extraction of gold therefrom or for the purpose of residence thereon in connection with any of the purposes herein enumerated or for all or any of such purposes.

34. All Crown lands comprised within any one of the following classes shall be exempted from the power of leasing conferred by the last preceding section, viz. :—

(1) Crown lands leased or contracted to be leased under the provisions of this Act or any of the Acts hereby repealed or under lease for other than pastoral purposes.

(2) Crown lands occupied by the holder and by virtue of any miner's right or mineral licence unless such holder shall consent to the demising of the land so occupied by him.

(3) All alluvial ground except such as in the opinion of the Secretary for Mines may have been worked and abandoned or such as he may deem suitable to be leased by reason of its great depth or wetness or on account of the costly appliances required for its development or such as for other sufficient reasons ought not in his opinion to be exempt from the leasing provisions of this Act.

35. The lessee of any Crown lands for gold-mining purposes shall be entitled by virtue of his lease either by himself or his servants to mine for gold in and upon such land subject only to the conditions of his lease and to the Regulations.

36. A lease for gold-mining purposes under this Act may be granted for any term not exceeding fifteen years. And no such lease shall (except when the same shall be granted under the thirty-eighth section hereof) embrace an area exceeding twenty-five acres. Provided that where any such lease shall be granted of lands whereof the working will be chiefly confined to quartz veins or lodes the area of the lands leased thereby shall not exceed in length six hundred yards along the line of the lode nor the width across the lode two hundred yards. And in no case shall the area be marked out so that the lode will be distant from either extremity of the boundaries defining the width of the said area less than one-tenth of such width nor shall the length along the lode in any such

area be greater than three times the width of such area. And in all other gold-mining leases the parcel of land demised shall be in the form of a parallelogram wheresoever practicable whereof the maximum length shall not exceed more than twice the maximum breadth.

37. The yearly rent to be reserved in any lease for gold-mining purposes shall be twenty shillings per acre and such rent shall be payable at the time and places and in the manner prescribed by the Regulations: Provided that all such rents shall be payable yearly in advance and the first payment shall be made on making the application for such lease.

38. Upon the application of the registered holder or holders of any claim not being a prospecting claim in prescribed manner and upon the performance by such holder or holders of the prescribed requirements it shall be lawful for the Governor in the name and behalf as aforesaid to convert the claim of such holder or holders into a lease subject to the provisions of this Act: Provided always that no less annual rent shall be reserved on the granting of such lease than twenty shillings per acre and notwithstanding that the ground demised shall be less than one acre in extent. And all the provisions of this Act so far as the same shall be capable of being carried out relating to the mode of application for and granting of leases shall apply to and be carried out in the conversion of any such claim into a lease as hereinbefore provided.

42. If any person shall object to the issue of any such lease to the applicant therefor he shall within the prescribed time lodge with the Warden and serve such applicant with a written notice of every objection intended to be taken by him against the issue of such lease. And such notice shall be deemed to be sufficiently served for the purposes of this section if the same shall be delivered at or transmitted by post to the address of the said applicant or be posted on the land applied to be leased.

44. If after the expiration of fourteen days from the date of the said application no notice of objections shall have been lodged to the issue of the said lease the Warden shall forward the said application together with a report thereon to the Secretary for Mines to be dealt with under the provisions of this Act but if any such notice as aforesaid shall have been lodged within the said period then the Warden shall appoint a place and time for hearing in open Court every person who shall have lodged such notice of objections against as well as the applicant for the issue of the said lease. And two clear days' notice in writing of such appointment shall be given to the applicant and to every person who shall have lodged the said notice of objections. Provided that if several persons shall have united in lodging any objections notice to any one of such persons shall be sufficient. And the said hearing shall be in the nature of an inquiry by the Warden into the truth of the particulars stated by the applicant and each objector but such inquiry shall not take place unless the receipt mentioned in the next preceding section hereof shall have been delivered to the Warden on or before the day so appointed as aforesaid.

50. When any land a lease of which shall be applied for shall comprise the whole or part of land held by the applicant under a miner's right the interest of such applicant under such right shall in nowise be

affected by such application or by the refusal or abandonment or failure in any other way thereof and if such lease shall be granted the interest held under the miner's right shall merge in the interest held under the lease.

51. Every lease granted under the provisions of this Act shall according to the nature of such lease contain the covenants conditions reservations and exceptions contained in the respective forms prescribed by the Regulations or as near thereto as circumstances will permit having regard to the special requirements herein provided. And every such lease shall bear date the day of the execution thereof by the Governor and shall after such execution be transmitted to the Warden for delivery to the applicant (or to such person as shall be by such applicant duly authorised to receive and execute the same) upon his application therefor and execution thereof and upon payment to the Warden of the deed-fee of one pound.

53. It shall be lawful for the Governor subject to the limitations prescribed in this Act and the Regulations on the occasion of the granting of any special lease to prescribe the term for and the rent or royalty or both at which the same shall be granted and the quantity and form of land to be comprised therein and the covenants conditions reservations and exceptions to be contained in the same but every such lease shall contain a condition that if the lessee his executors administrators and assigns fail at any time during the term to fulfil the conditions and terms therein contained or to use the land *bonâ fide* for the purposes for which it shall be demised the lease shall for any such failure be voidable at the will of the Governor.

56. The Governor may grant leases of any Crown land for the purposes of mining for any metal or mineral other than gold subject to the following conditions. And upon the granting of any such lease any lease for pastoral purposes which may have been granted or promised under the Crown Lands Occupation Act of 1861 inclusive of the same land or any part thereof shall as respects such land absolutely cease and determine :—

(1) The area in any lease shall not exceed six hundred and forty acres for coal-mining lots and shall not exceed eighty acres for other mineral lots.

(2) Leases may be for any period not exceeding twenty years but may be renewed for a further period not exceeding twenty years.

(5) The rent shall be five shillings per acre payable annually in advance the first payment to be made at the time of making the application which shall cover the rent for one year from the granting thereof and the rent for each ensuing year or such part thereof as may be proportioned to the period between the granting of the application and the thirty-first December to be paid to the Colonial Treasurer in Sydney not later than the month of November of the year preceding and in default of any such payment the lease shall be forfeited.

(6) Leases shall in all cases terminate on thirty-first December.

(7) Lessees shall spend at the rate of five pounds sterling per acre on their lots within the first three years of the lease.

(8) Lessees may determine their leases by giving to the Minister three months' notice of their desire to do so but no rent shall in any such case be refunded.

(9) Lessees may on application to the Secretary for Mines in writing during the nineteenth year of their leases obtain a renewal of the same for a further period not exceeding twenty years and the fine to be paid on such renewal not being less than two pounds ten shillings per acre shall be determined in such manner as may be provided by any Regulation hereunder and full information of the working and returns of the mine shall be afforded to the Secretary for Mines by the lessees on pain of forfeiting their claim to renewal.

(10) If any lease be forfeited or not renewed the lessee shall be at liberty within six months of the termination of his lease to remove or otherwise dispose of all machinery and improvements and the minerals brought to the surface during the terms of his lease.

(11) On the breach by the lessee of any condition of a lease the Governor may direct the cancellation of such lease.

60. In any case in which it shall be made to appear to the satisfaction of the Secretary for Mines that greater facilities for the working of adjoining mineral lots would be ensured by the amalgamation of such lots it shall be lawful for him to authorise such amalgamation upon the payment of a fee not exceeding twenty shillings for each lot so to be amalgamated and the provision as to expenditure on mineral lots hereinbefore contained shall apply to such lots when so amalgamated and for the purposes of this section the word "lots" shall be taken to include as well land under mineral lease as land applied to be leased under section 56 hereof or under the Act hereby repealed.

61. Every person who shall have obtained a mineral lease under this or any other Act and who shall desire to mine in the land demised by such lease for any mineral or metal other than that for the mining of which such lease shall have been granted shall give notice of such his desire to the Secretary for Mines. And if any such person shall proceed to mine for any such other mineral or metal without having obtained due authority so to do as hereinafter mentioned he shall be liable to a forfeiture and cancellation of his lease as for a breach of condition.

62. Where gold is associated or combined with any other mineral or metal in any land demised under this or any other Act if the lessee shall desire to mine for such gold or should the nature of the mining operations be such as to lead to the removal of such gold such lessee shall make application for a gold-mining lease of the said land to the said Secretary for Mines under the provisions of this Act in addition to any mineral lease which he may hold. And if such lessee shall proceed to mine for such gold before he shall have obtained such gold-mining lease his mineral lease shall be liable to be forfeited and cancelled as aforesaid.

63. It shall be lawful for the Governor to cause documents to be called "mineral licences" to be issued to any person or persons applying for the same and upon payment of the sum of twenty shillings for each such licence. Every such mineral licence shall be in force for the period of twelve months from the date thereof and shall during the

said period confer on the holder thereof the same rights and privileges in respect or in connection with mining for minerals other than gold as are declared by this Act to be conferred on holders of miners' rights in respect of mining for gold.

127. If any Warden appointed under this Act shall at any time during his appointment hold any interest or share in any claim gold-mining or mineral lease or mining adventure or shall knowingly adjudicate in any matter in which he shall have any pecuniary interest he shall be guilty of a misdemeanour and be liable to a fine and imprisonment or both in the discretion of the Court.

EXTRACTS FROM "THE MINING ACT FURTHER AMENDMENT ACT, 1884."

6. Where it shall appear to the satisfaction of the Secretary for Mines that any two or more adjoining gold-mining leases issued under Division II. of the Principal Act can by amalgamation be more efficiently worked as one mine the Secretary for Mines may authorise such amalgamation upon payment of a fee of twenty shillings for each lease so amalgamated. Provided that the labour to be employed on or in connection with such mine shall be the sum of the labour conditions in each separate lease.

7. It shall be lawful for the Governor to grant special leases of ordinary Crown lands for gold-mining purposes when the Secretary for Mines shall be satisfied that special difficulties exist in working the ground either by way of great depth or wetness or on account of the costly appliances required for its development or by reason of the length or costly nature of the races to be cut to enable such ground to be worked and the Governor may prescribe the tenure form and area of such leases and the amount of rent or royalty to be reserved and the conditions reservations and exceptions to be contained in the same but every such lease shall contain a condition that if the lessee his executors administrators or assigns fail at any time during such tenure to fulfil the conditions and terms therein contained or to use the land *bonâ fide* for the purposes for which it shall be demised the lease shall for any such failure be voidable at the will of the Governor.

EXTRACT FROM "THE MINING ACT, 1889."

2. Any Crown land which, after the commencement of this Act, shall be sold conditionally or by auction or in virtue of improvements or otherwise, and any Crown land which has been or shall be hereafter leased conditionally under the Crown Lands Act of 1884 or any Act amending the same, shall be subject to the following conditions, namely:—Any person specially authorised in the prescribed manner by the Minister shall, on depositing a sum of money as prescribed to cover the cost of repairing any damage done to the surface of the land be at liberty to dig and search for gold and other minerals within such land, and should it be found to contain gold or other minerals, or any

substance which the Governor shall declare by proclamation a mineral, the Governor may cancel wholly or in part the sale or lease of such land, and upon the notification thereof in the *Gazette* the proprietor shall be entitled to compensation for the value of the land or of his interest therein (as the case may be) and of the improvements thereon (as appraised by the Land Board, subject to appeal in accordance with the Crown Lands Act of 1884 or any Act amending the same) but exclusive of the value of gold or other minerals therein, and such land shall thereupon become Crown land within the meaning of the Mining Act, 1874, or any Act amending the same, and shall be reserved from sale or lease until such reservation be revoked by the Governor: Provided that the person so specially authorised by the Minister to dig and search for gold or other minerals, upon satisfying the Minister that he has complied with all the conditions of such authority, shall, on the appearance of such notification in the *Gazette*, be deemed to be the first applicant for a claim or lease of such land or a portion thereof, and the date of such application shall be reckoned from the day of publication of such notification in the *Gazette*, but in other respects as to labour conditions, and other matters, such application shall be dealt with subject to the Regulations in force for the time being authorising the occupation of Crown lands for mining purposes.

EXTRACT FROM "THE MINING ACT AMENDMENT ACT, 1896."

2. Notwithstanding anything to the contrary contained in the Mining Act, 1874, the sum to be paid for a miner's right or mineral licence shall be five shillings for one year, or two shillings and sixpence for six months, and such miner's right or mineral licence shall be and continue in force for one year or for six months, as the case may be, from the date of issue.

3. In addition to the rights and privileges now conferred upon the holders of miners' rights issued under the provisions of the Mining Act of 1874, every such miner's right shall confer on the holder thereof the same rights and privileges in respect of or in connection with mining for minerals other than gold as are conferred on the holders of mineral licences in respect of mining for such minerals.

EXTRACT FROM "THE MINING LAWS AMENDMENT ACT, 1901."

2. (1) An application for the renewal of any mining lease for coal or shale under the Mining Act, 1874, or the Mining Act Further Amendment Act of 1884, may be made, and such renewal may be granted at any time during the last five years of the term of the lease, whether the lease was granted before or after the commencement of this Act.

(2) In the case of a renewal under the said Acts of any mining lease for minerals other than coal and shale (whether such lease was granted before or after the commencement of this Act) the lease so renewed

shall be subject to the annual rent prescribed by the Acts and Regulations then in force in respect of such lease, and to a further annual payment to be made to the Colonial Treasurer or some other person appointed by him in that behalf amounting to one per centum upon the net annual profits of working the mine or mines on the land comprised in such lease, and in addition thereto one-half per centum upon the amount of such profits exceeding two hundred thousand pounds. Application for such renewal may be made and granted at any time during the last five years of the term of the lease: Provided that no such payment shall be required in respect of any mine the net annual profits of which do not exceed five hundred pounds.

EXTRACTS FROM "REGULATIONS RELATING TO GOLD-MINING LEASES."—Published in the Government *Gazette*, 31st March 1882.

1. Notwithstanding anything to the contrary contained in the Regulations last mentioned, any parcel of new or unworked Crown land taken possession of under such Regulations, but subsequent to the date hereof, with a view to obtain a lease of the same, shall be efficiently and continuously worked from the date of taking possession until the application shall be granted or refused.

2. Efficient work shall mean the employment during the ordinary hours of labour on each day (Sundays and public holidays excepted) of not less than two men upon a parcel of land containing four acres or less, and one additional man in respect of every two acres in excess of the said four acres contained in any parcel of land.

3. Upon the complaint of any person that the requisite labour is not being employed upon any parcel of new or unworked land taken possession of subsequent to the date hereof and held under the regulations aforesaid, the Warden may inquire into the matter of complaint, and may take such evidence thereon as shall be tendered by the person complaining, or by the person or persons claiming possession of the land; and if the complaint be established to his satisfaction, the Warden may adjudge the title of such person or persons to the possession of such parcel of land forfeited, and if no application to lease such parcel of land shall have been lodged by such person or persons, his or their title to the land shall thereupon absolutely cease and determine; but if an application to lease the land had been made prior to such adjudication, the Secretary for Mines may recommend that the application of such person or persons to lease the said parcel of land be refused.

EXTRACTS FROM "REGULATIONS RELATING TO MINERAL LEASES ON CROWN LANDS."—Published in the Government *Gazette*, 27th February 1885.

1. The area of any mineral lease shall not exceed six hundred and forty acres and (unless specially authorised by the Secretary for

Mines) shall not be less than forty acres for coal-mining lots, and shall not exceed eighty acres nor (unless specially authorised as aforesaid) be less than twenty acres for other mineral lots.

4. The applicant or applicants shall forthwith, after making application, post upon the outside of the Post Office nearest to the land applied for, and upon the outside of the nearest Warden's Court, Police Court, or Mining Registrar's office within the district in which the land is situated, a notice in the form in the schedule hereto numbered 1, of his or their intention to lease the land marked as aforesaid, describing it as accurately as possible. If the land applied for be a measured portion the number of the portion and name of the parish must, if possible, be given.

14. Mineral lots shall be measured in the form of a square, except in any case in which the Minister shall authorise a departure from that form.

35. A royalty of sixpence per ton shall be payable on all coal raised from land leased under these Regulations, and such royalty shall be paid by the lessees to the Colonial Treasurer at the expiration of each year, or within one month thereafter; and with each such payment a statement shall be furnished under the hands of the lessees, or some one of them, or of the manager of the mine, setting out the quantity of coal raised from the demised land during the preceding year, and the accuracy of every such statement shall be verified by the statutory declaration of the person making it. The lessees shall keep a book in which shall be entered daily the quantity of coal raised from the demised land, and such book shall be open at all times to be inspected by the Examiner of Gold-fields, Inspector of Collieries, or other officer of the Department of Mines, who may, if he thinks fit, make any measurements in the mine for the purpose of checking such entries: Provided always that if the rent paid in terms of the Mining Act for any year exceeds the amount of royalty payable for that year, the claim to royalty for that year shall be waived, but if the sum payable as royalty exceed the rent paid for that year, then the amount paid as rent may be deducted from the sum payable as royalty: provided further that non-payment of royalty due within the prescribed time shall render the lease liable to be forthwith cancelled.

37. Lessees shall within the first three years of their lease expend at the rate of five pounds sterling per acre upon the land demised, and in the application to be made as aforesaid, shall state how he or they propose to expend such sum, and when such expenditure shall commence: Provided always that for the purpose of these Regulations, and of any lease granted under these Regulations, lessees shall be deemed to have complied with the covenant to employ a given number of miners or workmen, if they, the lessees, to the given number, work upon the demised land.

39. No transfer or assignment of any land demised as aforesaid or of any interest therein (except an assignment by operation of law) and no sub-lease of any such land or any part thereof shall be valid or be recognised by the Crown, unless made with or under the licence, sanction, or authority of the Secretary for Mines and registered by the

officer aforesaid ; and in the event of any lessee desiring to sub-let such land or any part thereof he shall make application in writing to the Secretary for Mines for licence, sanction, or authority ; and upon such application if made by the person who appears by the register aforesaid to be legally entitled to the lease of the land, or to the interest therein, as the case may be, it shall be lawful for the Secretary for Mines, if he thinks fit, to grant such licence, sanction, or authority.

EXTRACTS FROM THE MINERAL LEASE.

1. That the said lessee, his executors, administrators and transferees, shall and will during the said term pay unto Her Majesty, her heirs and successors, the rent hereby reserved, at the times and places hereinbefore appointed for payment thereof, clear of all deductions.

2. And shall and will upon and during all lawful working days, except when prevented by inevitable accident or during the execution of repairs, make, construct, and work the said land, mine, and premises in the best and most effectual manner, and to the best advantage, without interruption ; and shall and will diligently explore and search for . . . in, on, and under the said land, mine, and premises.

3. And shall and will employ in the construction of the works or in mining operations on or under the said land, during the first three years of the said term, and during the usual hours of labour, able and competent workmen and miners at the least ; and during the remainder of the said term, and during the usual hours of labour, shall and will employ as aforesaid not less than such workmen and miners, unless prevented by inevitable accident, or during the execution of repairs, so that within the first three years of the term hereby created there shall be expended upon the said land, mine, and premises such a sum of money as shall be equal to five pounds sterling upon each and every acre hereby demised : Provided that the lessee, or if there be more than one lessee, each lessee, who shall work as aforesaid, shall count as and be deemed for the purposes of these presents to be a workman or miner employed as aforesaid.

11. And shall not nor will use or occupy, or permit to be used or occupied, the said land or any part thereof, for other than mining purposes or for pasturage, or as sites for dwellings or garden ground for the person employed in, on, or about the said mine.

13. And shall not nor will transfer, underlet, or part with possession of the said land, mine, and premises, or any part thereof, or mortgage, charge, or encumber the same without the licence first had and obtained of the Secretary for Mines for the time being.

17. And if the lessee, his executors, administrators, or transferees shall prove to the satisfaction of the Secretary for Mines for the time being that the said mine is unworkable from any cause whatsoever, or that the lessee, his executors, administrators, or transferees is or are unable by reason of sickness or other sufficient cause to work in such land or mine, or that the supply of water is insufficient to allow the working of the said land, mine, and premises to be profitably carried on, the said

Secretary for Mines may grant permission to suspend work therein or thereon for any period not exceeding six months, without the lessee, his executors, administrators, or transferees incurring in respect thereto any forfeiture or penalty for breach of any covenant herein contained.

VICTORIA.

Mining Laws and Bye-laws.—The mining law of Victoria approximates very closely to that of New South Wales, from the early forms of which it originally took its inception. Efforts have repeatedly been made in this State to place the laws relating to mining on a more equitable basis by recognising more fully the rights of property and capital in contradistinction to those of labour. A proposal was recently put forward that the labour conditions attached to the holding of mining leases should become inoperative for forfeiture of the lease after a sum of £10,000 had been spent by the lessee on actual and permanent work on the mine, and thus an indefeasible title could be obtained; but so far no satisfactory results have ensued. The legislative Acts in which the mining law now in force in Victoria is set forth are the Mines Act, 1890; Regulations relating to Search for Metals and Minerals other than Gold, 1894; the Mines Act, 1897, Regulations relating to Mining Leases, 1900; and the Mines Act, 1904. In addition to these there are numerous and somewhat intricate bye-laws issued by the Mining Boards of the several mining districts of Gippsland, Ararat, Beechworth, Castlemaine, Sandhurst, Maryborough, and Ballarat.

In the case of lands which have passed into private ownership prior to the year 1884, all minerals have been conveyed with the land; but the Mining Act of that year resumes gold and silver to the Crown unless the landowner has worked these minerals himself, or other persons have worked them in his interests, previous to the passing of the Act, in which case he may obtain a mining lease according to the regulations on application to the Minister of Mines. In all conveyances of Crown lands to private ownership since the year 1884, gold and silver as precious metals are reserved to the Crown; and since 1890 all metalliferous minerals and coal have been so reserved. The Government holds the power of resumption of private lands for mining purposes on compensating the owner for the property and improvements, but exclusive of its prospective mineral value.

Mining Legislative Conditions.—As in the other States of the Commonwealth, so in Victoria, the basis of all privileges regarding minerals is the "miner's right," which document is issued to

any person on payment of a fee of two shillings and sixpence at any Warden's Court. Under this the holder has the right to peg off claims on any proclaimed gold-field in the usual manner, or to obtain and hold on Crown lands a gold-mining lease over an area not exceeding 100 acres, at a fixed rental of two shillings and sixpence per acre or part of an acre per annum, for a term of fifteen years, renewable at expiration for a further similar term. Leases for minerals other than gold, including coal, are issued to the holders of miners' rights over areas not exceeding 640 acres, at an annual rental of five shillings per acre, for thirty years, renewable on expiration. A royalty is charged by the Government of 2 to 5 per cent. on the value at the mine of all mineral extracted, and on coal of threepence to sixpence per ton. The continuance of work on claim or lease, the punctual payment of the annual or monthly rent in advance, and the employment of the covenanted number of workmen on the ground constitute the only title to mining property. No persons other than those registered as holders of the mining ground may occupy land on any gold-field as a residential area, and these must also hold a miner's right or a business licence. Any person in possession of a miner's right may apply for forfeiture of mining property on reporting non-fulfilment of the conditions of lease or licence at the Warden's Court; but the decision of the Warden regarding such forfeiture is always subject to appeal to the Minister of Mines, and ultimately to the Governor in Council.

EXTRACTS FROM "THE MINES ACT, 1890."

4. It shall be lawful for the Governor in Council to cause documents to be issued, each of which shall be called a "miner's right" and which shall be in force for any number of years not exceeding fifteen; and any such document shall be granted to any person applying for the same upon payment of a sum at the rate of five shillings for every year for which the same is to be in force.

6. Any incorporated mining company may for the purpose of taking or accepting transfer of any mining claim or mining claims, or for the purpose of holding any mining claim or mining claims which may have been transferred to any such company, apply for and obtain so many miners' rights in the name of the corporation as shall be required under the Mining Board bye-laws in force in the district to hold the claim or claims so transferred.

49. It shall be lawful for the Governor in the name and on behalf of Her Majesty to grant to any person or to any elective body corporate, subject to the provisions of this part of this Act and (except where on the granting of any particular lease the term or the rent or royalty or the quantity or the form of the land or the covenants, conditions,

reservations, and exceptions to be contained in the lease shall be specially prescribed as hereinafter authorised) to the regulations to be made as hereinafter mentioned, a lease to be effectual on or below, or both on and below, the surface of any Crown land not demised under the provisions of any Act heretofore or to be hereafter in force and not occupied by the holder of a miner's right or business licence unless with the consent of such holder, for the purpose of mining thereon or therein for gold or for any metal or mineral other than gold, or of cutting and constructing thereon races, drains, dams, reservoirs, or tramways to be used in connection with any such mining, or of erecting thereon any buildings or machinery to be used either for washing, smelting, crushing, or obtaining any gold, metal, or mineral or any earth containing any gold, metal, or mineral, or for pumping or raising water from any land mined or intended to be mined upon for any such gold, metal, or mineral, or for any or all of those purposes and also for the purposes of residence in connection with any of such purposes.

51. All such leases granted for the purpose of mining for gold or for any of the purposes aforesaid connected with such mining shall be called "gold-mining leases"; and all such leases granted for the purpose of mining for any metal or mineral other than gold or for any of the purposes aforesaid connected with such last-mentioned mining shall be called "mineral leases."

54. In the case of a gold-mining lease the term for which the same may be granted shall not exceed fifteen years from the time of granting the same, and the yearly rent to be payable in respect thereof shall be five shillings for every acre demised; and in the case of a mineral lease the extent of the area thereof shall not exceed six hundred and forty acres and the term for which the same may be granted shall not exceed thirty years from the time of granting the same.

55. Any holder of a miner's right desirous to prospect for gold in any place where sinking through basalt will be necessary and to which no part of any gold workings shall be nearer than five miles, may mark off at such place an area of one square mile for the purpose of such prospecting; and in case such person shall discover in any part of such area gold in quantities which the Governor in Council shall consider remunerative it shall be lawful for the Governor in the name and on behalf of Her Majesty to grant to such person a lease not exceeding one hundred acres, to be selected by such person in any part of such area (whether the same or any portion thereof shall have been occupied by the holder of a miner's right or business licence or not) in one lot for such term as the Governor in Council shall determine at a nominal rental; and every such lease shall in all other respects be subject to the provisions of this part of this Act, and to any regulations made in pursuance thereof in regard to gold-mining leases.

57. In the case of every gold-mining lease issued under the Mining Statute, 1865, previously to the eighteenth day of December One thousand eight hundred and eighty-five the rent reserved shall from and after the said date be deemed to be at the rate of five shillings for every acre demised; and every such lease shall so far only as regards any rent accruing due after the said date be read as if rent at the rate

of five shillings for every acre had been thereby reserved in lieu of the rent therein mentioned.

58. No person holding a lease granted under the provisions of any of the Acts repealed by the Mining Statute, 1865, authorising the granting of mining leases shall after the coming into operation of the said last-mentioned Act be required notwithstanding any covenants therein contained to pay any greater sum by way of rent for the land thereby demised than at the rate of one pound an acre.

67. Nothing hereinbefore contained shall be construed as rendering it obligatory to grant any such lease or licence to any person applying for the same, notwithstanding that he may have complied with the regulations in force and applicable thereto; but in case his application shall be refused, he shall be informed of the reasons of such refusal; and a lease may be granted notwithstanding that the person applying for the same may not in all respects have complied with such regulations.

EXTRACTS FROM THE "REGULATIONS RELATING TO LICENCES TO SEARCH FOR METALS AND MINERALS OTHER THAN GOLD, 1894."

Any person desirous of obtaining a licence to search for metals or minerals other than gold may apply therefor by delivering or causing to be delivered to the Secretary for Mines an application, duly dated, containing the name and address of the applicant, the name of the metal or mineral for which it is proposed to search, and the precise locality, together with a plan or sketch showing the extent of the area for which a licence is desired.

2. The maximum areas to be occupied under such licences shall be as follows:—

For land supposed to contain coal, an area not exceeding 640 acres.

For lands supposed to contain the ores of iron, an area not exceeding 100 acres.

For lands supposed to contain other minerals or metals (except gold) an area not exceeding 50 acres.

3. The term for which the licence shall issue shall not exceed three months.

The amount of fee shall be paid prior to the issue of licence, and shall be in accordance with the following scale:—

For an area exceeding 320 acres, but not exceeding 640 acres, £2, 10s.

For an area exceeding 160 acres, but not exceeding 320 acres, £1, 5s.

For an area not exceeding 160 acres, £1.

The above licence only gives to the licensee the right to use the land for the purpose for which the licence has been granted, and for no other purpose whatsoever.

The licensee will not be permitted to assign or sub-license the land, or part with the possession thereof or his interest therein, without the consent of the Minister for the time being having charge of the Mining Department.

The licence will be forfeited if the licensee commits any breach or neglect of the above conditions.

Miners or other persons requiring to occupy for mining purposes any part of the surface of the land, or to enter thereupon for such purposes, or for the purpose of cutting, constructing, repairing, or cleaning any race, shall with the consent of the Minister for the time being having charge of the Mining Department, and on paying the licensee such compensation, if any, as the said Minister may direct, be permitted to do so; and the granting of permission shall render void this licence so far as regards the portion in respect of which such permission shall have been given.

The licensee shall not be entitled to compensation or to any further licence unless searching operations shall have been carried on during the currency of this licence.

The licence shall not apply to any lands for which any application has been made for a lease or licence prior to the date of the application for this licence if such application has not been disposed of by the proper officer.

The Governor in Council shall at any and all times have full power to sell, lease, or license the lands, or any part thereof, comprised in this licence without any payment of compensation to the licensee; and in such case this licence, so far as regards the lands sold, leased, or licensed, shall be rendered void.

EXTRACTS FROM "THE MINES ACT, 1897."

6. Notwithstanding anything contained in the Mines Acts it is hereby declared that the rights and privileges conferred on any holder of a miner's right with regard to gold are hereby also conferred on such holder with regard to all minerals, and the Mines Acts shall be read and construed accordingly, and any reference to the said Acts enabling the holder of a miner's right or the holders of a consolidated miner's right to mine for gold shall subject to the bye-laws be deemed to authorise such holder or holders also to mine for any mineral.

8. Notwithstanding anything contained in section four of the Principal Act [1884] the sum payable for any miner's right issued after the commencement of this Act shall be reduced to the rate of two shillings and sixpence for every year for which the right is to be in force.

The sum charged for a "consolidated miner's right" shall be reduced at a proportionate rate.

25. Subject to the provisions of this Part and to the bye-laws made as in the Mines Acts provided—

(*a*) The holder of a miner's right shall by Division II. (Miscellaneous) of Part I. of the Land Act 1890 be deemed to have, and the holder of any miner's right issued since the twenty-ninth day of December One thousand eight hundred and eighty-four shall be deemed to have had, the right to enter upon any land being a pastoral allotment or grazing area (as the case may be) and to search for gold and to mine thereon and to erect and occupy mining plant or machinery

without making compensation to the lessee thereof for surface or other damage.

26. (1) Pursuant to the provisions of Part I. of the Principal Act the Governor in the name and on behalf of Her Majesty may grant mineral leases giving the holder thereof the right to enter upon any land being a pastoral allotment or grazing area demised either before on or after the first day of March One thousand eight hundred and ninety-two and to search for any mineral and to mine thereon for such mineral and to erect and occupy mining plant or machinery without making compensation to the lessee thereof for surface or other damage.

(2) Only one mineral lease shall under the provisions of this section be granted or in force at any one time in respect of the same land.

28. For section fifty-four of the Principal Act the following section shall be substituted, namely:—

(1) In the case of a gold-mining lease the term for which the same may be granted shall not exceed fifteen years from the time of granting the same, and the yearly rent to be payable in respect thereof shall be two shillings and sixpence for every acre demised.

(2) In the case of a mineral lease the extent of the area thereof shall not exceed six hundred and forty acres and the term for which the same may be granted shall not exceed fifteen years from the time of granting the same and the yearly rent to be payable in respect thereof shall be at such rate not being less than one shilling nor more than one pound for every acre demised and so on in proportion for any less quantity as the Minister may determine.

33. (1) If either party be dissatisfied with the recommendation of the Warden he may within ten days after such hearing make a written appeal to the Minister who may if he thinks fit hold a further public hearing at some place and time to be fixed by him and of which notice shall be given by him to the parties interested respectively.

(2) The mode of conducting such public hearing shall be in the discretion of the Minister who is hereby empowered to hear receive and examine evidence on oath in the matter of the complaint.

34. Where no such appeal is made within the time aforesaid then after considering the Warden's report and recommendation, or where an appeal has been made and a public hearing held then after considering the evidence thereat, the Minister if he is of opinion that a breach of the labour covenant has been committed shall submit the matter for the determination of the Governor in Council.

35. In submitting the matter to the Governor in Council the Minister may recommend that the lease be declared void and the Governor in Council may by order published in the Government *Gazette* declare the lease void as to the whole or any part of the land comprised therein accordingly; and such order shall be absolutely final and conclusive and shall be deemed valid and given effect to notwithstanding any non-compliance with any provision of the Mines Acts.

36. Where the Governor in Council so declares any lease to be void as aforesaid it shall be lawful for the Governor in the name and on behalf of Her Majesty, but subject to section sixty-nine of the Principal Act, to grant to the person so applying a lease of the whole or any

portion of the land held under the determined lease for such term not exceeding fifteen years as the Governor thinks fit, or the person so applying may mark out a claim of the whole or any portion of the land with respect to which such lease has been determined. No other person shall be or be deemed to be entitled to enter on or mark out any such land either under the bye-laws or for a lease for a period of fourteen days from the date of the publication in the Government *Gazette* of such avoidance or pending the issue of a lease authorised by the Governor in Council to be granted.

37. (1) In the event of a lease being declared void any person (in this and the next following section called the new lessee) who is granted a lease of the whole or any portion of the land held under the determined lease shall be entitled within one month after the expiration of the time fixed by the Governor in Council for the removal of the plant machinery engines or tools on or within the land comprised in such determined lease, to give notice to the lessee of the determined lease (in this and the next following section called the former lessee) of intention to purchase at a valuation the whole or any portion of any plant machinery engines or tools on or within the land comprised in such new lease and not then removed.

38. (1) In the event of a lease being declared void the lessee of such lease or any other person entitled to any plant machinery engines or tools hereinafter mentioned may within such time being not less than three months after the publication of the notice that the lease has been declared void as may be fixed by the Governor in Council remove any plant machinery engines or tools on or within the land comprised in such lease but shall not remove or destroy any timber used in and for supporting the shafts drives galleries or adits in the mine nor any plant machinery engines or tools purchased by the new lessee.

39. When pursuant to section thirty-one any application has been referred to the Warden the Warden shall also inquire respecting the value to the holder or holders of a miner's right or rights making such application of any work or labour then done by or paid for by the lessee on or within or beneath the leased land and premises which in the Warden's opinion is available or necessary for any future mining operations.

40. No sum shall be allowed or paid for any such work or labour where it is proved to the satisfaction of the Warden that the lessee has neglected to fulfil the covenants of the lease for a period of twelve months previous to the said application having been made by the holder or holders of a miner's right or rights.

41. In case the lease is declared void the said holder or holders of a miner's right or rights making the said application shall not receive a lease of or work as a claim the land applied for until he or they shall have deposited with the Minister for payment to the former lessee the amount found by the Warden as the value of the said work and labour done by or paid for by such former lessee and such amount shall be paid to the Warden's clerk at such place and within such time as the Minister may direct being within three months of such finding having been made and in the event of such amount not being paid in the time

aforesaid then the said application for a lease may be declared abandoned.

42. (1) Where any suspension of the labour covenant of a lease has been granted wholly or in part by the Minister he shall forthwith cause to be forwarded to the mining registrar and to the Warden's clerk for the division of the mining district in which such lease is situated and also to the postmaster of the post-office nearest to the leased land and to the lessee particulars in the form of the fifth schedule hereto.

(2) Such registrar clerk and postmaster shall forthwith post such particulars at their offices and keep the same posted during the period for which such suspension has been granted and any holder of a miner's right shall be at liberty without payment of any fee to inspect any such notice at all reasonable times.

(3) Such lessee shall post such notice on some conspicuous place on the leased land and shall keep the same posted during the period for which such suspension has been granted.

53. (1) When any mining lease of any Crown land is surrendered or expires through effluxion of time or is declared void for breach of any covenant or condition and the lessee thereof leaves upon the land comprised in such lease any tailings or other mining material and does not within twelve months from such surrender expiration or declaration of voidance or such longer period as the Minister may under special circumstances allow either remove or *bonâ fide* treat and afterwards continue to treat such tailings or other mine material then at the expiration of twelve months or further period as aforesaid such tailings or other mine material shall thereupon become the absolute property of the Crown. Provided that this sub-section shall not apply to any surrender made to obtain a new lease. Provided also that the Minister shall upon the written application of the said lessee fix a sum to be paid by the said lessee by way of rental for a period not exceeding five years for the surface of the land actually occupied by such tailings or other mine materials, and so long as the said lessee shall make due payment of the sum so fixed the preceding provisions of this section shall not apply.

101. (1) If the lessee of any mining lease in respect of any private land commits a breach of the labour covenant of such lease it shall be lawful for any holder of a miner's right to apply to the Minister in the form set out in the second schedule to this Act or to the like effect.

(2) If such application be made and the person or persons so applying lodges with or forwards to the clerk of the Warden the sum of five pounds for costs, the Minister may if he thinks fit refer the said application to the Warden with directions to hold a public inquiry concerning the alleged breach.

EXTRACTS FROM "THE MINES ACT, 1904."

18. For section thirty of the Mines Act 1897 there shall be substituted the following section, namely :—

(1) One of the covenants of every gold-mining lease or mineral lease shall be a covenant by which the lessee shall be bound to provide for

the employment in the construction of the works or in mining operations or if necessary for the supply of water for such operations during the term of the lease during the usual hours of labour of a certain specified number of able and competent workmen and miners (not being Chinese) and such number of workmen and miners shall be employed accordingly unless prevented by unavoidable accident or during the execution of repairs or on account of any other cause whatever which the Minister deems sufficient. The number of men to be so employed may be a varying number for each half-year of the period of the lease during which boring operations are in progress the shaft is being sunk the main drive is being driven and in the case of alluvial mines the lead is being drained.

(2) In the case of a gold-mining lease the working of which will owing to the depth or difficulty of sinking or the probabilities of having a heavy flow of water to contend with or other sufficient cause be in the opinion of the Minister attended by heavy expense and delay before the lessee will be in a position to employ the number of men required by the covenant in that behalf it shall be lawful for the Minister to require the lessee in lieu of employing a certain specified number of men as aforesaid to expend in wages and the purchase erection and maintenance of mining machinery and other mining requisites or otherwise in carrying on the actual mining operations on the land demised or in connection therewith during each half-year for a period to be stated in such lease such a sum of money to be mentioned in the lease as the Minister in his discretion shall determine for each acre of land demised and granted. The sum of money to be so determined may be a varying amount for each half-year during such period.

(3) In the event of a lessee having expended money in actual mining operations on the land in excess of what is required by his lease he shall whenever the amount of such excess is equal to what is required to be expended in mining in any one half-year or any portion thereof upon satisfying the Minister of the amount of such excess be entitled to be granted exemption for a half-year or portion thereof from the covenant of his lease with regard to the expenditure of money. The whole period during the currency of the lease for which exemptions may be so granted shall not exceed two years.

(4) If it is proved to the satisfaction of the Minister that on account of unexpected or unforeseen difficulties in working the land demised by reason of want of water or on account of too much water or for want of machinery or (when a company is the lessee) from exhaustion of the capital of the company or the necessity for the reconstruction of the company or on account of any other cause whatever which the Minister deems sufficient the lessee has been or is unable to employ the number of men required by the covenant in that behalf the Minister may by order in writing if he thinks fit from time to time waive and dispense with compliance with such covenant for any period not exceeding six months.

(5) It shall be the duty of the Minister as soon as practicable after the end of each year to lay on the table of the Legislative Council and the Legislative Assembly a return setting out the number of every mining lease in respect of which one or more suspensions of the labour covenant

thereof have been granted during such year, the names of the lessee or lessees, the period for which such suspensions were granted, and the reasons for granting the same.

19. (1) Every lessee of a gold-mining lease or mineral lease shall in every half-year furnish to the Secretary of Mines a half-yearly balance-sheet or statement verified by a statutory declaration showing with regard to the land held by him under lease—

(*a*) The average number of men that have been employed ;

(*b*) the amount of money expended in wages ;

(*c*) the amount spent in purchase of mining machinery and other mining requisites ; and

(*d*) any sums otherwise expended in carrying on mining operations on the land demised

during the half-year ending on the preceding thirtieth day of June or thirty-first day of December as the case may be.

(2) If within two clear months of the expiration of each half-year such balance-sheet or statement verified as aforesaid is not furnished as aforesaid or if when furnished it does not contain the particulars required to be shown therein the lessee or person making default shall be guilty of an offence against this Act and on conviction before a Court of Petty Sessions shall be liable to a penalty not exceeding ten pounds and if such balance-sheet or statement verified as aforesaid by statutory declaration be not furnished within one month after such fine has been imposed then the lessee or person making such further default shall be guilty of an offence against this Act and on conviction before a Court of Petty Sessions shall be liable to a penalty of five pounds for each day during which such default continues.

(3) The following persons shall be liable to furnish the statutory declaration required under this section :—

(*a*) If the lessee be a company incorporated and registered in the State of Victoria the legal manager for the time being of such company.

(*b*) If the lessee be a company formed or incorporated in any country or state other than the State of Victoria then the public or principal officer of such company.

(*c*) If in either of the foregoing cases the lessee company has no legal manager or public or principal officer (as the case may be) then the person who in the opinion of the Minister appears to have charge of the mine or of the mining operations upon the leased land.

(4) A certificate purporting to be under the hand of the Secretary for Mines that such declaration has not been furnished to him by the person liable to furnish the same or that the declarations attached thereto are the only declarations that have been furnished to him shall be *prima facie* evidence in all proceedings of the truth of the facts therein stated.

20. For section thirty-one of the Mines Act 1897 there shall be substituted the following section, namely—

(1) If the lessee of a lease in respect of any land does not comply with the labour covenant or the covenant with regard to the expenditure of money (as the case may be) of such lease it shall be lawful for any holder of a miner's right to apply to the Minister in the form set out in the second schedule to the Mines Act 1897 or to the like effect.

(2) If such application be made and the person so applying lodges with or forwards to the clerk of the Warden as security for costs the sum of three pounds or in the case of such an application with respect to a lease of land upon which machinery of a value of at least two hundred pounds is standing the sum of ten pounds the Minister may if he thinks fit refer the said application to the Warden with directions to hold a public inquiry concerning the alleged breach. The Warden may before or at the holding of such inquiry require or allow the applicant who has lodged or forwarded three pounds as security for costs as aforesaid to lodge forthwith a further deposit of seven pounds if such Warden shall be of opinion that the sum of seven pounds should have been lodged or forwarded.

24. Where pursuant to the provisions of section 35 of the Mines Act 1897 a lease has been declared void as to part of the land comprised therein notice shall be given in the Government *Gazette* of the amount of rental to be charged for such land as may remain under such lease and of the number of men to be employed or the amount of money to be expended in actual mining operations in connection therewith as the case may be as the Governor in Council shall determine.

(This Act also contains provisions of the nature of mining regulations.)

QUEENSLAND.

Crown Rights and Mining Conditions.—Since the passing of the Crown Lands Act, Queensland, 1884, the precious metals gold and silver have been reserved to the Crown in all conveyances of land. Other minerals are conveyed with the land, but the Government has the usual Australian right of resumption of private lands for mining purposes on compensating the owner. The present law relating to mining is fully set out in the Mining Act, 1898. By this law the constitution of public gold-fields by proclamation is provided for, with their administrative staffs of wardens and other officers. Under its provisions, miners' rights are issued, which are available for one year, and are not transferable, at an annual fee of five shillings. These entitle the holders to occupy certain areas of Crown lands for mining purposes, and eventually to obtain mining leases for the same. Gold-mining leases are issued for the purpose of mining for gold only, and for purposes connected with such gold-mining. The area of a gold-mining lease may not exceed 12 acres until after the expiration of seven years from the date of the proclamation of the gold-field on which it is situated, nor may it exceed 50 acres in any case. On this area a rental of twenty shillings per acre, payable in advance, is charged, and the term of the lease is for twenty-one years, with the option of renewal for another such term if all the conditions have been faithfully observed. Mineral leases are granted for

the mining of any mineral other than gold or coal, the nature of which mineral must be specified in the lease, over an area not exceeding 160 acres, at an annual rental of ten shillings per acre or portion of an acre per annum, also for a term of twenty-one years, and renewable for another similar term. Coal-mining leases are granted for the mining of coal and carbonaceous products only. They may cover an area up to 320 acres, in ordinary cases, but the first discoverer of such deposits at a distance of not less than 15 miles from a known coal-field, or of a hitherto unknown seam of coal at a depth of not less than 600 feet from the surface, may claim a discovery lease of 640 acres. The fixed rental of coal-mining leases is sixpence per annum per acre or portion of an acre, and a royalty of threepence per ton of coal extracted, increased to sixpence per ton after the first ten years of the lease have expired, is also payable to the Government if the lease be on Crown lands. The labour conditions in Queensland necessitate the employment of not less than one man per claim on gold-mining claims for forty working hours per week; and, on gold-mining leases, one man for every 4 acres of the lease, but in no case may less than three men be so employed. On mineral leases, not less than one man for every 10 acres or portion thereof is the rule, and work at this rate must be commenced on the ground not less than seven days after receipt by the lessee of notice that the lease will be granted. Failure to conform strictly with these labour conditions, or to pay the rent punctually in advance, renders the lease liable to forfeiture, and any holder of a mining right giving information to the Warden of such infraction of the regulations and making application in the prescribed manner has the first right to assume the cancelled lease.

EXTRACTS FROM "THE MINING ACT OF 1898."

11. The Governor may cause documents to be issued, each of which shall be called a "miner's right," and shall be in force for any number of years not exceeding ten, and subject to the provisions hereinafter contained, such document shall be granted to any person applying for the same upon payment of a sum at the rate of five shillings for every year for which the same is to be in force, but, save as hereinafter provided, shall not be transferable.

13. (1) The Governor may also cause other documents to be issued, each of which shall be called a "consolidated miner's right," and which shall be in force for any number of years not exceeding ten; and any such document shall be granted to any company or co-operative body of persons who shall have agreed to work in co-partnership or co-ownership any claim or claims taken up or held under the provisions hereof,

exemption or partial exemption is granted in such manner as may be prescribed ;

(4) Such other covenants not inconsistent with this Act as may be prescribed.

And every gold-mining lease shall contain a condition that for a first and second breach of any of the covenants therein contained the lessee shall pay such fine or penalty not exceeding one hundred pounds as the Minister in his discretion may appoint, and for the forfeiture of the lease on non-payment of any such penalty or on the commission of any further breach of any of the said covenants.

29. Total or partial exemption from labour covenants of all mining leases may be granted by the Minister on conditions to be prescribed by regulation.

30. The Governor may, subject to the provisions of this Act and the Regulations, grant to any person, not being an alien who by lineage belongs to any of the Asiatic, African, or Polynesian races, a lease, to be called a "mineral lease," of any Crown land not exempted, but one for any or all of the under-mentioned purposes, that is to say :—

(1) For mining and for all purposes necessary to effectually carry on mining operations therein or thereon for any mineral other than gold.

33. The yearly rent of every mineral lease, save as hereinafter provided with respect to coal-mines, shall be at the rate of ten shillings per acre, payable in advance at the time and in manner prescribed.

The term shall not exceed twenty-one years, and shall be renewable for a further term of twenty-one years, on such conditions as the Minister deems equitable.

The area, save as hereinafter provided with respect to coal-mines, shall be such, not exceeding one hundred and sixty acres, as may be from time to time prescribed.

34. Every mineral lease shall be granted for the working of some mineral or combination of minerals to be specified therein, and every lease shall contain the following reservation, covenants, and conditions, that is to say :—

(1) A reservation of all gold found in the land comprised in the lease ;

(2) A covenant by the lessee, his executors, administrators, and assigns to pay rent at the prescribed times ;

(3) A covenant on the part of the lessee, his executors, administrators, and assigns to use the land continuously and *bonâ fide* for the purposes for which it is demised and in accordance with the Regulations ;

(4) A covenant on the part of the lessee, his executors, administrators, and assigns, not to assign, underlet, or part with the possession of the land demised, or any part thereof, without the previous consent of the Minister or Warden ;

(5) A covenant that there shall be employed on the lease one man for every ten acres or fraction of ten acres, unless exemption or partial exemption has been granted ;

(6) Such other covenants not inconsistent with this Act as may be prescribed;

(7) A condition that for a first and second breach of any of the covenants therein contained the lessee shall pay such fine or penalty not exceeding one hundred pounds as the Minister in his discretion may appoint, and for the forfeiture of the lease on non-payment of any such penalty or on the commission of any further breach of any of the said covenants.

35. When gold is found associated or combined with any other mineral in land held under a mineral lease, and the nature of the mining operations is such as to lead to the extraction of such gold, the lessee shall pay to the Treasurer a royalty of one per centum of the value of the gold extracted.

36. When gold is found in any land held under a mineral lease otherwise than in association or combination with the mineral specified therein, the land may, for the purpose of mining for gold, be dealt with, notwithstanding the lease, under the provisions of this Act relating to mining for gold:

Provided that any person mining thereon for gold shall not interfere with the workings of the lessee in actual use, and shall not be entitled to acquire any mining tenement in or upon any mineral lease except at a distance beyond two hundred yards from such workings or from the crushing, smelting, or any other works used for the reduction or treatment of the minerals specified in such lease. In the event of any dispute as to what workings are in actual use or as to what works are used for crushing, smelting, or otherwise used for the reduction or treatment of such mineral, the Warden within whose jurisdiction such lease shall be situate shall decide the matter, and his decision shall be final between the parties.

If the lessee mines for gold found otherwise than in such association or combination, not being authorised to do so by a miner's right or gold-mining lease, the lease shall be liable to forfeiture.

37. If any lessee desires to mine for any mineral other than that specified in the lease he shall apply to the Minister for permission to do so, and the Minister may grant such permission and may alter or vary the conditions of the lease so as to make them applicable to mining for such other mineral in accordance with this Act and the Regulations.

If a lessee mines for any such other mineral without obtaining such permission, he shall be liable to a penalty not exceeding five pounds for every day on which he shall so offend.

39. (1) Every application for a mining lease shall be made in the prescribed form, and shall be accompanied by the prescribed survey fee and the first year's rent, or prescribed portion thereof.

(2) Applications for mining leases by persons who have complied with the Regulations shall take priority according to the order in which they are made.

And in the event of more than one application for a lease of the same land, or any part thereof, being made at the same time, such

applications shall take priority according to the order in which the applicants marked the land out under the Regulations.

(3) If the application of any person is refused, he shall be informed of the reasons for such refusal.

40. The entry upon, occupation of, or interference with any ground of which a gold-mining lease has been applied for by any person who shall not prior to such application have been in the lawful occupation of such ground, shall at any time after the lodging of such application, and until and unless such application shall be refused, or such entry, occupation, or interference shall have been authorised by the Governor, be deemed to be a trespass or encroachment. And the applicant for the said ground may proceed for such trespass or encroachment, and for any damages in respect thereof, and for the recovery of any gold or other mineral taken by such first-mentioned person from the said ground, or for the value thereof, before any Warden's Court:

Provided always that no such applicant shall recover or succeed under the said procedure who shall not prove to the satisfaction of the said Court that he has complied with the Regulations in force and applicable for the time being to the class of lease applied for, so far as such Regulations shall have been at the time of such entry, occupation, or interference capable of being complied with.

43. Subject to the provisions of this Act and the Regulations a mining lease or an application for the same, or any interest therein, may be transferred, assigned, sub-let, or encumbered in manner prescribed, on payment of the prescribed fee, which shall be any sum not exceeding one pound, in addition to the fee payable to the Treasurer under the provisions of the Stamp Act, 1894.

44. Any mining lease may be surrendered at any time, provided that at the time of the surrender the conditions thereof on the part of the lessee shall have been fulfilled as far as the time which may have elapsed shall permit, and that all payments due in respect thereof up to date shall have been made.

49. (1) Any person who is desirous of prospecting Crown lands for coal may make application in the prescribed form to the nearest Warden for a licence to occupy any Crown lands described in the application, and not being of greater area than six hundred and forty acres, for the purpose of searching for coal thereon.

Every such application shall be accompanied by a description of the land sufficient to identify it, and the applicant shall pay to the Warden, when he lodges the application, a sum equal to sixpence for every acre of the land comprised in the application.

51. The licensee shall be entitled, during the period of the licence, to occupy the land and to dig and search for coal therein, and to depasture upon the land any stock used by him in and about the digging for coal or kept for the use of the persons employed by him in and about such digging, and to cultivate the land for the maintenance of such persons or stock, and to cut timber for the purposes aforesaid, but shall not be entitled to use the land for any other purpose.

52. The licence may be renewed by the Minister for another year upon payment of a like sum of sixpence per acre of the land comprised

therein and upon proof to the satisfaction of the Minister that the licensee has during the period of the licence used reasonable endeavours to search for coal upon the land, and has not used the land for any purposes not hereby authorised.

53. If during the period of the licence or the renewed licence the licensee desires so to do, he may apply under the provisions of this Act for a lease for the purpose of mining for coal on any part of the land comprised in the licence not exceeding three hundred and twenty acres in extent, and his application shall have precedence over the application of any other person for the same land:

Provided that in every such lease a portion of the surface not exceeding one-half shall be reserved for residence purposes: but provided further that the portion of the surface comprised in the lease shall not be less than six acres.

54. The yearly rent of land leased for the purpose of mining for coal shall, instead of being at the rate of ten shillings per acre, be at the rate of sixpence per acre, and there shall also be reserved in the lease a royalty at the rate of threepence for every ton of coal raised from the land during the first ten years of the term of the lease, and at the rate of sixpence for every ton raised during the remainder of the term.

55. When a licensee under the provisions of this part of this Act—

(1) Discovers payable coal at a distance of not less than fifteen miles from any payable coal previously discovered; or

(2) Discovers a payable seam of coal at a depth of not less than six hundred feet from the surface, he shall be entitled to a lease of six hundred and forty acres of land instead of three hundred and twenty acres as hereinbefore provided, and the royalty payable in respect of coal raised by the lessee shall in the first-mentioned case as to all coal, and in the second-mentioned case as to all coal raised from a depth of six hundred feet and upwards, be at the rate of one penny for every ton, instead of threepence as hereinbefore provided.

In this section the term "payable" applied to coal or to a seam of coal means coal of such quality and thickness that it can under ordinary circumstances be worked with profit.

56. In the case of a lease granted for mining for coal the Minister may, by licence under his hand, dispense with the performance of the lessee's covenant to work the mine continuously if, upon application made to the Warden in open court, it is proved to the satisfaction of the Warden that the lessee has made reasonable efforts to work and develop the mine, and that continued working of the mine would result in unnecessary loss to the lessee. Any such licence shall be for a period not exceeding six months, and shall be subject to such conditions as the Minister may think fit.

A licence may be renewed from time to time for further periods not exceeding six months upon fresh application and proofs to the Warden as aforesaid, and may be so renewed subject to the same conditions as those to which the first licence was subject, or different conditions.

57. The term of a lease under this part of this Act shall not exceed twenty-one years, but shall be renewable for a further period of twenty-one years.

EXTRACTS FROM "REGULATIONS RELATING TO MINING LEASES."

72. Persons desirous of obtaining mining leases shall apply to the Warden for the same in Form 15 in the second schedule hereto annexed, and subject to the following Regulations.

74. Each application must be signed by the persons applying for the lease or by their agents, and must be accompanied by a sketch plan clearly defining the position of the land applied for.

75. The area of the land applied for as a mining leasehold shall in no case exceed that allowed by the Mining Act of 1898, and the area applied for to work silver, antimony, or tin within the limits of any goldfield or mineral field specially notified by proclamation in the *Gazette* shall not exceed eighty acres, and beyond such limits shall not exceed one hundred and twenty acres.

In all cases where the land is so available the area applied for shall be rectangular, and its length shall not exceed twice its breadth; but when, owing to the position of adjoining boundaries or natural features, regular rectangular areas are not available, any intervening or irregularly shaped pieces of land may be applied for, and mining leases of such pieces may be granted by the Governor.

76. In cases where the Government have appointed a mining surveyor to act within the limits of any proclaimed gold-field or mineral field, all surveys of mining leaseholds shall be executed only by such mining surveyor or such other licensed surveyor as may be appointed by the Warden.

77. Every application for a mining lease shall be accompanied with a deposit of the first year's rent or prescribed portion thereof together with the prescribed survey fees, which deposit of rent and survey fees shall be forfeited should the application for the lease when approved not be proceeded with. In the event of the application being refused after survey, the deposit of rent only will be returned.

78. When two or more mining leases are united under the provisions of section 42 of the Act, if such leases have already been surveyed it shall not be necessary to resurvey the ground, and the applicants for the new lease shall not be required to deposit any survey fee with their application therefor, anything in these Regulations to the contrary notwithstanding.

79. The yearly rent payable in respect of every mining lease shall be as follows, viz.:—

(*a*) In the case of gold-mining leases, rent at the rate of one pound per acre or portion of an acre.

(*b*) In the case of mineral leases, other than leases granted for the purpose of mining for coal, rent at the rate of ten shillings per acre or portion of an acre; and

(*c*) In the case of mineral leases granted for the purpose of mining for coal, rent at the rate of sixpence per acre or portion of an acre.

Such rent shall be in addition to any royalty which may also be payable, and shall in all cases be payable in advance at the time of

making the application, and afterwards not later than the 31st day of December in each year.

Provided that if the application is made on or after the 1st day of July only one-half of the above rent shall be payable for the broken portion of the year.

If default shall be made in payment of such rent or any part thereof, the lessee shall be liable to the penalties prescribed by this Act.

81. The ground applied for as a mining leasehold or held under a mining lease shall (unless exemption or partial exemption from work has been obtained) be worked continuously on all ordinary working days, in the case of ground applied for as a gold-mining leasehold or held under a gold-mining lease, by not less than one man for every four acres or portion thereof, and in no case by less than three men, and in the case of ground applied for as a mineral leasehold or held under a mineral lease, by not less than one man for every ten acres or portion thereof. And such work shall commence in cases where no objection is lodged against the application at a date not later than seven days after the hearing of the application, and in all other cases at a date not later than seven days after intimation has been given that the lease will be granted.

Failure to comply with this Regulation will entail the same consequences as are prescribed with reference to default in payment of rent.

85. A lessee under a mining lease, or an applicant for a mining lease, may apply through the Warden to the Minister for exemption or partial exemption from work for a period not exceeding six months. Such application shall state the grounds on which it is made, and seven clear days' notice thereof shall be given by notices posted on the leasehold and at the Warden's office, and advertised in a newspaper having the largest circulation in the neighbourhood.

86. When the lessee of a mining lease, or applicant therefor, proves to the satisfaction of the Warden that he has expended on the mine a sum not less than two hundred pounds per acre unprofitably, and has worked such mine continuously for the next preceding six months, he shall be entitled to exemption from the labour conditions for a period not exceeding six months, on such conditions as to bailing or otherwise as the Warden may impose. The lessee or applicant for lease shall give notice to the Warden of his intention to cease work, and such exemption shall be recorded in the register of mining leases at the Warden's office.

The lessee or applicant shall be entitled at any subsequent period to a similar exemption on proof of a like further expenditure and continuous work.

87. Whenever it is proved to the satisfaction of the Warden that there has been any breach of the labour conditions applicable to any ground comprised in a mining lease or application therefor, the Warden shall certify the same to the Minister.

Before hearing any evidence of breach of the labour conditions the Warden shall give the lessee or applicant, or his agent, seven clear days' notice to appear before him to show cause why such certificate should not be made.

The person upon whose information a fine is inflicted shall be entitled to receive not less than one-fourth nor more than one-half of the amount of such fine, as the Minister may determine.

88. Any person giving notice to the Warden that ground held under a mining lease or application therefor is not being worked in accordance with these Regulations, and applying for the forfeiture thereof (due notice of which shall be served on the applicant or lessee or his agent seven clear days before the hearing thereof), after having received notice of such forfeiture may take possession of the ground so forfeited, or any portion thereof, as a claim, if otherwise entitled so to do, or to apply for the same as a leasehold. Every such application for forfeiture shall be accompanied with a deposit of ten pounds to abide the Minister's decision, and the Warden shall report if in his opinion the grounds of the application are insufficient or frivolous, and shall recommend the amount, if any, to be allowed the lessee or applicant as his costs, and any costs so allowed shall be deducted from the deposit.

Provided that when the Warden is satisfied that a mining lease or application therefor has been abandoned, he may receive an application for forfeiture without a deposit.

90. Mining leases, or shares therein, or any interest in applications for such leases may be transferred in Form 17 in the second schedule hereto annexed, and such transfer must be deposited at the Warden's office with the instrument of lease, if issued, and the fee prescribed for registration of transfer.

97. Ground shall be deemed to be continuously worked if eight hours' *bonâ-fide* work is performed thereon by the complement of men prescribed by these Regulations on every working day excepting Saturday (when four hours shall be sufficient), and excepting a public holiday or holidays proclaimed by the Warden (when no work shall be necessary).

99. The registered holder or manager of every reef gold-mine shall forward to the Warden, on the first days of January, April, July, and October in each year, a declaration, in Form 20 in the second schedule hereto annexed, of the work done in or in connection with such mine during the preceding quarter: and any such registered holder or manager neglecting or refusing to furnish such declaration shall be liable to a penalty of five pounds for the first offence, and ten pounds for the second or any subsequent offence.

Provided always that, in the event of persistent refusal or neglect to furnish such statutory declaration, the mining tenement in or on which such mine is situated shall be liable to forfeiture.

100. The registered holder or manager of any machine area, or place for reduction of auriferous ores, shall forward to the Warden, on or before the fourth day of each month, a statutory declaration, in Form 21 in the second schedule hereto annexed, of the quantity of auriferous matter treated and the gold produced from each parcel thereof during the preceding month.

194. Save as in the Act or these Regulations is otherwise expressly provided, the non-payment of any rent or fee imposed by these Regulations shall render the tenement or holding in respect of which such payment shall be due liable to forfeiture at the discretion of the Warden.

SOUTH AUSTRALIA.

Legislation and Mining Conditions.—The mining law of South Australia differs but little from that of the other States of the Commonwealth. It is generally comprised in the Mining Acts of 1885 and 1903, and the Mining on Private Property Act of 1888, with subsequent amendments. The conditions of mining in the Northern Territory are regulated by the provisions of special leases and local regulations, and by the Northern Territory Crown Lands Act, 1890, under which all minerals on lands alienated to private ownership are reserved to the Crown.

A miner's right, which forms the basis of any title to mineral ground or mining privileges of every kind, is obtainable by any person over the age of sixteen years on application at the Department of Mines in Adelaide, or at any Warden's office or other issuing station, at a cost of five shillings per annum—ten shillings in the Northern Territory—and may be renewed annually at discretion. One person may hold any number of miners' rights, and on each one of them is allowed to prospect for any mineral on mineral lands, and to peg off one gold claim and one mineral claim, or one coal and one oil claim, of the prescribed size and shape. The miner's right also confers certain privileges regarding the use of water, timber, stone, residential and grazing areas, and other rights of a like nature. Claims must be registered at once on pegging, and a fee of two shillings and sixpence per claim must be paid, and this registration must be renewed annually, or the ground will become liable to forfeiture. Work on the claims must proceed continuously, and the employment of at least two men on each claim for eight hours of each working day is insisted on, or the claims will be forfeited. On the amalgamation of claims under gold-mining leases, the number of men covenanted to be employed on the whole of the amalgamated claims may then be employed upon any part of the leasehold, provided that the entire number are employed; otherwise, unless protection is obtained in the regular manner, forfeiture of the lease will ensue. On gold-mining leases, the law obliges the constant employment of not less than one man for each 5 acres of ground or part of 5 acres, and this number may be reduced by the employment of machinery at the rate of one horse-power for every two men covenanted for. Gold-mining leases are allowed to cover an area not exceeding 20 acres of ground, for a term of twenty-one years, and they carry a fixed rental of ten shillings per acre per annum.

Mineral leases, for metalliferous minerals other than gold, are granted for terms not exceeding forty-two years, at an annual rental as arranged at the discretion of the Minister of Mines, but not less than ten shillings per acre per annum, and for areas not exceeding 80 acres of ground. A royalty of 2½ per cent. of the net profits resulting from the working of all the mines on the lease is also levied. Leases for the working of coal and earthy minerals are granted for areas of 640 acres, for a term of twenty-one years, royalties payable to the Government on such being arranged with the Ministry of Mines at the time of making application for the lease.

EXTRACTS FROM "THE MINING ACT, 1903."

2. Prospecting and mining shall be permitted pursuant to the Act and these regulations, by virtue of—

(*a*) A miner's right;
(*b*) A gold lease;
(*c*) A mineral lease;
(*d*) A coal lease;
(*e*) An oil lease; or
(*f*) A miscellaneous lease;

And in addition to the rights of occupation conferred by the foregoing, occupation shall be permitted by virtue of—

(*a*) A business licence; or
(*b*) An occupation licence.

4. These regulations apply only to mining on Crown and mineral lands, and do not apply to the Northern Territory.

15. No person can legally mine or prospect, or peg out a claim, or obtain a mining lease unless he holds a valid miner's right.

16. A miner's right (to be in force for one year from the date thereof) may be obtained from a Warden or Mining Registrar on payment of five (5) shillings.

17. A miner's right may be renewed at any time during its currency on payment of five (5) shillings.

18. Every renewal shall be in force for one (1) year from the expiration of the right renewed.

19. No person shall at the same time own more than one claim by virtue of the same miner's right; but any person may hold any number of miners' rights, and for each miner's right so held by him he may own one claim: Provided that no person shall hold more than one alluvial gold claim.

20. A miner's right shall, in the first instance, authorise the holder to prospect for any metal, mineral, coal, or oil the property of the Crown, and to peg out on any land whereon the same may be or be supposed to be—

(*a*) A gold claim as prescribed in Part III. hereof;
(*b*) A mineral claim as prescribed in Part IV. hereof;
(*c*) A coal claim, as prescribed in Part V. hereof; or
(*d*) An oil claim, as prescribed in Part V. hereof.

26. Any person desiring to register a mining tenement, interest or title, or a certificate evidencing title shall sign an application for registration in the Form No. 3A in the schedule of forms hereto. Such application shall be forwarded to or produced at the office of the Mining Registrar, in the mining district wherein the tenement is situate, together with the miner's right under which such tenement is held. The Mining Registrar shall thereupon, on payment of the prescribed fee, enter in a book to be called "The Mining Register" full particulars of each application and shall fill in and sign a certificate of registration in the form No. 3B in Schedule A, or endorsed at the foot of the certificate, evidencing title to such tenement, and hand such certificate of title and miner's right and certificate of registration to the person so producing or forwarding such application.

27. If any owner or person neglects to register his claim or title in manner aforesaid he shall not be authorised while the default continues to prospect or mine thereon, and for default by the owner the claim shall be liable to forfeiture.

44. A miner seeking for a new and unworked reef or vein may peg out a reef protection area. Such area shall be of the same width but double the length of a reef prospecting claim, and during the period the said area is being worked the holder shall be protected for three months in the occupation thereof, and on discovering a new and unworked reef or vein thereon, and forthwith reporting such discovery to the Warden, shall be entitled to a reef prospecting claim.

45. A miner who discovers a new and unworked reef or vein shall forthwith report the said discovery to the Warden, and may then peg out a reef prospecting claim of the area as follows:—If not less than one (1) mile nor more than five (5) miles from the nearest occupied reef claim—two hundred (200) feet along the supposed line of reef; not more than ten (10) miles—three hundred (300) feet along the supposed line of reef; and over ten miles—four hundred (400) feet along the supposed line of reef. All claims to be six hundred (600) feet in width. He shall forthwith after pegging out the claim register the same, and shall within seven (7) clear days after date of registration proceed and continue to work such claim. He shall keep constantly employed on such claim not less than one man. A post shall be erected at each corner of the claim, with a written notice thereon, setting forth that it is a prospecting claim, and stating the name of the prospector, such posts to be not less than three (3) inches in diameter, and showing three (3) feet above the surface, and firmly fixed in the ground, and to be kept erected and in proper repair during the occupation of such claim.

46. Ordinary reef claims shall not exceed one hundred (100) feet in length on the supposed course of the reef, by a width not exceeding six hundred (600) feet across such course.

The holder of any such claim shall forthwith after pegging out the same register the claim, and within seven clear days of registration shall proceed and continue to work the said claim, and shall keep one man constantly employed on or in connection with such claim.

The width of a reef claim must be marked off at right angles to the base line, and the whole or any part of such width may be marked on either side of such line, at the option of the claimholder.

47. A reef claim unworked for twenty-four (24) hours is liable to forfeiture, unless such intermission of labour is due to the neglect of hired workmen or tributors.

50. The Warden may allow the amalgamation of any number of duly registered adjoining gold claims of the same class.

51. The labour conditions to be performed on amalgamated claims shall be as follows:—

(*a*) Amalgamated alluvial claims shall be worked every working day by at least one man for every claim so amalgamated.

(*b*) Amalgamated cement claims shall be worked every working day by at least one man for every two claims so amalgamated until payable gold is found, when the full number of men shall be employed.

(*c*) Amalgamated stream claims shall be worked every working day by at least one man for each claim so amalgamated, unless working be prevented by floods.

(*d*) Amalgamated reef claims shall be worked every working day by at least one man for every two claims so amalgamated until the amalgamated claim becomes payable, when the full number of men shall be employed.

52. An amalgamated reef claim becomes payable when the quantity of gold obtained from it equals in value the sum paid, or which at current wages would have been payable, for wages to all the miners actually employed thereon during the time occupied in extracting and crushing quartz, together with the other necessary working expenses. No such claim shall be deemed payable until a parcel of ore therefrom has been treated by amalgamation or chemical reduction, or otherwise.

54. The owner of a gold claim, of whatever nature, may, for the purpose of working such claim, by means of a tunnel, hold, in addition to such claim, a tunnel area of the width of twenty (20) feet on each side, measuring from the centre of the tunnel from its commencement to its junction with the mining tenement proposed to be so worked.

56. The Warden may grant to the owner of a tunnel area a rubbish area of two hundred (200) square feet at the mouth of the tunnel for the purpose of depositing quartz, ore, or mullock.

83. After three months' work, as required by these regulations, has been performed on or in connection with a gold claim (except ordinary alluvial claims), the Warden may, on written application and for any reason appearing sufficient to him, allow the owner of such claim to suspend or partly suspend mining operations thereon. Such application

shall be made by the owner or some person duly authorised by him in that behalf, and shall give the reasons for which suspension is required. The Warden, if satisfied that such reasons are sufficient, shall give to such owner a certificate of suspension in the form No. 15 in the Schedule A hereto, which shall authorise suspension or partial suspension, as therein set out, for one calendar month. The Warden may grant a renewal of such certificate for a further term of two months on satisfactory proof of the necessity thereof, and after the expiration of such suspension or renewal, work with the necessary number of hands shall be immediately resumed, and no second or subsequent suspension shall be allowed until six months' work, with the full complement of men, has been done on the claim from the date of the last suspension or renewal.

115. The size of a mineral claim shall not exceed forty (40) acres.

116. No miner shall at the same time own more than one mineral claim by virtue of the same miner's right; but a miner may hold any number of miners' rights, and for each miner's right so held by him he may own one mineral claim.

119. Ownership of a mineral claim confers a preferential right to a mineral lease, and in the meantime the right to mine on the claim for any metals or minerals, except gold, and the ownership of all such metals and minerals when found.

121. The owner of a mineral claim shall have a preferential right to a gold lease of the land comprised in such claim, or any part thereof.

123. The owner of a mineral claim shall keep constantly employed on the said claim not less than two able-bodied men in diligently searching and mining for and endeavouring to procure minerals and metals other than gold.

124. Every mineral claim shall be liable to forfeiture upon non-compliance by the owner with the prescribed conditions as to working the same.

140. A coal or oil claim shall not exceed six hundred and forty (640) acres.

141. No miner shall at the same time own more than one coal or oil claim by virtue of the same miner's right; but a miner may hold any number of miners' rights, and for each miner's right so held by him he may own one coal or oil claim.

149. The Governor may grant to a holder of a miner's right a gold lease not exceeding twenty acres.

151. No land comprised in a gold-field shall be leased under a gold lease until after the expiration of one year from the date of the proclamation of the gold-field.

152. A gold lease may be for any term not exceeding forty-two years, and shall reserve an annual rental of one (1) shilling per acre, payable yearly in advance, the first payment to be made on making the application for such lease, and shall also reserve a further sum of six (6) pence in the pound sterling on the net profits obtained from the occupation and working of all mines on, and the sale of all metals, minerals, coal, and oil obtained from, the leased land.

166. A gold lease is liable to forfeiture on breach of any of the covenants or conditions therein contained.

167. The rent on all gold leases shall be paid annually in advance.

173. The Minister may permit the amalgamation of from not more than four adjoining leases, and also may, for such period as he shall think fit, permit the labour performable in respect of all the leases so amalgamated to be performed on any one or more of them.

174. The lessee under a gold lease shall, during the term of the lease, keep constantly employed in mining or in prospecting for gold upon the leased land not less than one man for every five acres of such land, and shall furnish the Minister, whenever required by him, with satisfactory evidence that such number of men have been and are employed.

181. The Governor may grant to a holder of a miner's right a mineral lease of lands not comprised in a gold-field, and not exceeding forty acres.

183. A mineral lease may be for any term not exceeding forty-two years from the 30th day of June or 31st day of December (as the case may be) nearest to the date of the application, and shall reserve an annual rent of one (1) shilling per acre, and a further sum equal to six (6) pence in the pound sterling on net profits, and such rent shall be paid half-yearly at the Treasury, in Adelaide, on or before the 28th day of February and the 31st day of August in each year.

185. The lessee under a mineral lease shall during the term of the lease keep constantly employed in mining on the lands leased not less than one man for every ten acres or portion of ten acres of such lands, and shall furnish the Minister, whenever required by him, with satisfactory evidence that such number of men have been and are employed.

186. The holder of a mineral lease shall have a preferential right to a gold lease of the land comprised in such lease, or any part thereof.

187. Any number of mineral leases may be held by one person.

196. The Governor may grant to the holder of a miner's right a coal or oil lease not exceeding six hundred and forty (640) acres.

197. Any number of coal or oil leases may be held by one person.

198. No coal or oil lease shall be granted in respect of lands comprised in a gold-field.

200. A gold or oil lease may be for any term not exceeding forty-two (42) years.

201. The rent to be paid under a coal or oil lease shall be six (6) pence per acre until coal or oil of a marketable quality and in payable quantities is found by the lessee, when one (1) shilling per acre shall be charged. Such rent shall be paid yearly in advance, the first payment to be made on making application for such lease.

203. The lessee under a coal or oil lease shall, during the term of the lease, keep constantly employed in mining or prospecting upon such land not less than one (1) man for every forty (40) acres of the land leased, and shall furnish the Minister, whenever required by him, with satisfactory evidence that such number of men have been and are employed.

SOUTH AUSTRALIAN GOLD LEASE.

This indenture made the day of one thousand eight hundred and between Her Most Gracious Majesty Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith of the first part

Governor and Commander-in-Chief, in and over the province of South Australia and its dependencies of the second part and for heirs executors administrators and assigns hereinafter designated by the term "lessee" of the third part Witnesseth that in consideration of the rent hereinafter reserved and of the covenants conditions and agreements hereinafter contained the said Governor in exercise of the powers contained in "The Mining Act 1893" and in pursuance of the regulations made under the said Act and by virtue of all other powers enabling him in that behalf doth demise and lease unto the said lessee for gold-mining purposes with power to construct thereon races drains dams reservoirs roads or tramways to be used in connection with any such mining and to erect thereon any buildings or machinery to be used for mining purposes for pumping or raising water from any land mined or intended to be mined upon or for all or any of those purposes and also for residence in connection with any of such purposes all that of land containing acres or thereabouts numbered situate together with the rights privileges and appurtenances to the same belonging together also with liberty for the said lessee and his or their agents and workmen in and upon the said land to dig sink drive make and use all such pits shafts levels and watercourses and other works which it may be necessary to use in finding seeking for winning working and obtaining the gold and gold-bearing minerals therein contained and also to appropriate and use such part of the said lands either underground or on the surface as may be requisite as well for placing and heaping the waste refuse and rubbish which may be worked along with it from time to time as for washing and obtaining such gold and for effectually separating from it all the substances mixed with it and for the purposes aforesaid to erect make and employ all such fire steam water or other engines buildings smelting works furnaces workmen's houses shops crushing mills sheds or hovels machinery and works as may be proper and reasonable for the purposes aforesaid excepting and reserving to all pastoral lessees (if any) of the lands hereby demised a right of access and user for domestic purposes and for the purpose of watering stock to and of any surface water on the demised land which shall not have been provided or stored by artificial means by the said lessee to have and to hold the said land and premises with the appurtenances (except as before excepted) unto the said lessees from the day of one thousand eight hundred and for and during the term of forty-two (42) years from thence next ensuing firstly yielding and paying therefor yearly and every year unto Her Majesty her heirs and successors in advance on the first day of in each current year during the said term the yearly rent or sum of (£)

SCALE OF FEES AS PER SCHEDULE C.

	£	s.	d.
Registration of ordinary alluvial claims	0	1	0
Registration of all other mining tenements	0	2	6
Registration of amalgamation of claims	0	2	6
Registration of amalgamation of leases	0	10	0
Registration of suspension of claims	0	5	0
Registration of suspension of leases for one month	0	10	0
Registration of suspension of leases for three months	1	0	0
Registration of transfer of gold claims	0	2	6
Registration of transfers of mineral coal, and oil claims	0	10	0
Transfer certificates (each)	0	2	6
Taking declaration	0	1	6
Certificate of title of whatever nature (each)	0	1	0
Copy of regulations	0	1	0
For search in mining register	0	1	0

TASMANIA.

Mineral Productions.—The principal minerals mined in the island of Tasmania are gold, silver, tin, lead, iron, and coal. The tin ore is mostly derived from alluvial deposits, and the output of this mineral has lately been assuming considerable proportions.

Crown lands granted to private ownership under the Crown Lands Act of 1890, or under any preceding conditions, if not resumed by the Government for mining purposes under the 1890 Act, are now unresumable without the consent of the owner. All lands alienated since that date are resumable on paying compensation to the owner. On unresumed or unresumable private lands, no prospecting or mining is allowed without the consent of the owner.

Mining Legislation and Regulations.—The mining law of Tasmania is comprised in the Mining Act of 1900, and regulations under the Act 1900. Prospecting licences, which take the place of the miners' rights of other Australian colonies, are issued under similar conditions, and under these licences mining claims may be located, and these may be amalgamated under mining leases, or, in some cases, leases are granted direct over certain limited areas. Gold-mining leases are issued over areas not exceeding 20 acres in extent, for a term of twenty-one years, at an annual rental of ten shillings per acre. Mineral leases, for the mining of metalliferous minerals other than gold, may cover an area not usually exceeding 160 acres, for a term of twenty-one years, at a rental of from five to ten shillings per acre per annum, according to circumstances. Leases for coal-mining are given for areas not

exceeding 320 acres, except in the case of new discoveries, when areas of double that extent may be granted, at a rental of two shillings and sixpence per acre per annum, and a royalty, generally sixpence per ton, on the coal raised. Labour conditions are also in force in Tasmania, obliging the constant employment of at least one man per claim or lease of 20 acres for an aggregate of at least forty working hours in each week. Protection against forfeiture of the lease for non-fulfilment of these conditions may be obtained under special circumstances for a very limited time, but, as a rule, claims and leases are forfeitable for non-observance of the labour conditions or non-payment of the rent in advance, and the informer has a prior right to obtain a lease of the forfeited ground.

EXTRACTS FROM "THE MINING ACT, 1900."

6. Every miner's right, consolidated miner's right, residence licence, water right, mining easement, lease, or license issued under any former Act, and in force on the day on which this Act comes into operation, shall respectively continue in force until the expiration thereof by effluxion of time, and shall until then confer the same rights and privileges, and entail the same obligations and penalties, as if this Act had not been passed; and all questions arising in relation to any such former Act, or any title acquired thereunder, shall notwithstanding the repeal of such Act be determined under such Act and not under this Act; and any such former Act so far as may be necessary for the determination of such questions shall be deemed to be unrepealed and in full force.

13. The Governor in Council may proclaim such portion of the Crown lands of the Colony as he sees fit as and to be a mining field for the purposes of this Act; and any gold-field or mining field proclaimed under any former Act shall, if such proclamation remains unrevoked when this Act takes effect, be deemed to have been proclaimed as a mining field under this Act.

14. (1) Prospectors' licences, each of which shall be in force until the thirty-first day of December next after the date thereof, may be issued to any person applying for the same upon payment of the sum of ten shillings.

(2) Any such prospector's licence may be issued to the manager of a mining partnership, or to the manager of a duly registered mining company, or the registered agent of a mining company not registered in Tasmania for and on behalf of the said partnership or company, as the case may be.

(3) Every prospector's licence shall be in such form, and be subject to such conditions, as may be prescribed.

(4) No person shall at one time hold more than one prospector's licence.

16. Every prospector's licence shall, subject to the provisions of this

Act and the regulations made hereunder, entitle the holder thereof, during the continuance of such licence, to prospect for minerals upon such an area of Crown lands as may be prescribed; and any discoveries made in the course of such prospecting by the holder of any such licence shall be protected in such manner as may be prescribed.

20. (1) It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person above the age of twenty-one years, for a term not exceeding twenty-one years, a lease of Crown lands subject to the provisions of this Act and the regulations, for mining purposes, and for cutting and constructing thereon races, drains, dams, reservoirs, roads, or tramways to be used in connection with such mining purposes, or for erecting thereon any buildings or machinery to be used for mining purposes, for pumping or raising water from such land, or for any or all of those purposes, and also for residence in connection with any of such purposes.

(2) The applicant for lease shall, at the time of making his application, deposit therewith a sum equal to a half-year's rent of the land applied for, together with such application and survey fees as may be prescribed.

(3) Upon the applicant paying in advance the rent of the land applied for for such period as may be prescribed, and the prescribed fees, the Secretary for Mines may grant to such applicant permission in writing in such form as may be prescribed to erect works on and to remove any minerals from the land applied for; and it shall be lawful for the Secretary for Mines at any time to suspend or cancel by order under his hand the operation of any such permission.

(4) The area of land comprised in any lease to mine for gold shall not exceed twenty acres:

Provided that, where it is shown to the satisfaction of the Minister that the gold is associated or combined with other minerals in such proportion only that it is probable that the value of the gold won in any year will be less than the value of the other marketable products won in the same period of time, the lease may be for any area not exceeding eighty acres.

(5) The area of land comprised in any lease to mine for coal, shale, slate, freestone, or limestone shall not exceed three hundred and twenty acres.

(6) The area of land comprised in any lease to mine for any mineral other than those mentioned in sub-clauses (4) and (5) of this section shall not exceed eighty acres:

Provided the Minister may, with the consent of the Governor in Council, grant to any person a lease of a greater area of land than is provided for by this section, under such circumstances and conditions as may be prescribed.

21. (1) It shall be lawful for the Minister, with the consent of the Governor in Council, subject to the provisions of this Act and the regulations, to grant to any person who shall discover minerals, under such circumstances and conditions as may be prescribed, a lease at a peppercorn rent of any such area of Crown land as may be prescribed.

(2) The Minister may refuse to grant such lease whenever it shall appear to him that the applicant is not justly entitled to the same.

30. It shall be lawful for the Minister, with the consent of the Governor in Council, at any time to refuse to grant a lease of any Crown lands.

32. (1) The amount to be reserved as rent in any lease under this Act, save as is otherwise hereinbefore provided to the contrary, shall be as follows:—

(i.) In a lease to mine for gold the sum of one pound per acre per annum:

(ii.) In a lease to mine for coal, shale, slate, freestone, or limestone, the sum of two shillings and sixpence per acre per annum:

(iii.) In a lease to mine for any other minerals than those mentioned in sub-sections i. and ii. of this section, the sum of five shillings per acre per annum.

Provided that where a lease is to be issued to mine for gold, and it is shown to the satisfaction of the Minister that the gold is associated or combined with other minerals in such proportion only that it is probable that the value of the gold won in any year will be less than the value of the other marketable products won in the same period of time, the rent reserved in such lease shall be the sum of ten shillings per acre per annum for the first three years of the term of such lease, and for the remainder of the term thereof such sums, not being more than one pound per acre per annum, nor less than five shillings per acre per annum, as the Mining Board may from time to time determine.

35. (1) A lessee may, upon payment of all such fees as may be prescribed, transfer or assign his lease to any other person, who shall for all purposes be deemed to be the lessee of the land described in such lease. Such transfer or assignment shall be by deed, in such form as may be prescribed, and shall be deposited in the office of the Secretary for Mines, who shall endorse upon the lease, upon its being produced to him, a memorandum of such transfer or assignment; and no transfer or assignment shall be binding on the Minister until such transfer or assignment has been deposited in the said office, and such memorandum endorsed upon such lease.

40. Where it is proved to the satisfaction of the Commissioner of Mines that a lessee has failed to comply with the covenants or conditions of his lease with regard to the employment of men or expenditure of money, it shall be lawful for such Commissioner to order such lessee to forfeit and pay for a first default a penalty not exceeding the sum of twenty-five pounds, and for a second or subsequent default, occurring at least three months after a penalty has been ordered to be paid for a first default, a penalty not exceeding the sum of fifty pounds; or such Commissioner may in his discretion for a second or subsequent default, in lieu of ordering payment of any penalty, order that the lease of such lessee shall be declared forfeited, and on such order being made and being published in the *Gazette* it shall, subject to the right of appeal, as hereinafter mentioned, operate as a forfeiture and voidance of such lease.

A statutory declaration made under the last preceding section may be used as evidence against the lessee in the hearing of any application for forfeiture under this section.

42. If a lessee shall at any time have employed labour or expended

money in mining on the land demised in excess of what would have been required by the provisions of his lease, if spread over the expired years of his term, he shall for every amount of such excess as is equal to what is required to be employed or expended in mining in any one year, be entitled, upon application to a Commissioner, and upon satisfying him of the amount of such excess, to exemption for three months from the provisions of his lease with regard to the employment of labour or expenditure of money: Provided such exemption shall not in any case be for a longer cumulative term than three years.

44. Any person may apply for the forfeiture of any lease under this or any former Act on the ground that the conditions of the lease with respect to the employment of labour or expenditure of money, as the case may be, have not been complied with, and such person shall, subject to the Regulations, if the lease shall be forfeited in consequence of his application, have a prior right to a lease of the land comprised in the forfeited lease: Provided such person complies with the covenants and conditions of the lease with regard to the employment of men or expenditure of money within two months from the date of a lease being granted to such person: provided also that such person makes his application for the lease within fourteen days from the publication of the notice of the forfeiture.

45. No lease shall be forfeited on the ground that the conditions of lease with respect to the employment of labour have not been complied with, if the lessee satisfies a Commissioner that he has been unable to comply with such conditions on account of a general strike among the persons engaged in mining in the district in which the claim is situate.

46. (1) Notwithstanding anything contained in any former Act or any lease granted thereunder, any lessee, provided the covenants and conditions of the lease on the part of the lessee shall have been fulfilled up to the expiration thereof, and upon his applying within three months before or one month after the expiration thereof, shall be entitled to a renewal of his lease, upon the expiration thereof, either by effluxion of time or by surrender, for a further period not exceeding the number of years for which such lease might have been granted in the first instance upon such terms and conditions and subject to the payment of such rent, not exceeding five times the rent previously paid by such lessee, as the Minister, with the consent of the Governor in Council, shall think fit to impose, subject to the provisions of this Act and the Regulations made thereunder. In the case of any lease issued as a renewal of a lease at a peppercorn rent, the rent reserved may be any sum not exceeding five times the amount of rent which would have been properly reserved if such lease had not been issued at a peppercorn rent.

(2) Before the amount of the rent to be paid by any lessee upon a renewal of his lease under this section shall be fixed the Minister shall appoint a Commissioner to assess the amount of rent which ought in his opinion to be paid by such lessee, and such Commissioner shall report to the Minister accordingly.

(3) Such renewal shall be by the issue of a new lease, which shall entitle the holder thereof to all the same rights, preferences, and priorities as were formerly held by him under such expired lease.

48. Upon the publication of any notice of forfeiture of any lease as is hereinbefore provided, all buildings, mining plant, and machinery, and also all tailings and other material whatsoever erected and being on the land described in the lease which has been declared void and forfeited under the provisions of this Act or any former Act, shall vest in Her Majesty, but may be removed therefrom by the late lessee or any person interested in such lease within six months from the date of forfeiture, or at any later period than six months with the consent of the Governor in Council.

49. It shall be lawful for the Minister with the consent of the Governor in Council to grant to any person above the age of twenty-one years, for such term as may be prescribed, not exceeding twenty-one years, subject to the provisions of this Act and to the Regulations made hereunder, a licence (in this Act called a Water Right) which shall authorise such person, his executors, administrators, and assigns (except as against Her Majesty) for the more convenient and advantageous working of the land occupied by him or them to take or divert water which Her Majesty may lawfully take and divert from any spring, lake, pool or stream situate or flowing upon, or through, or bounded by, any Crown lands in such manner as shall be prescribed by such water right and Regulations, in order to supply water for mining and domestic purposes to such person.

Any person to whom such water right shall be granted may take or divert such water; and for that purpose may cut, construct, and use races, drains, dams, and reservoirs through and upon any Crown lands, and from time to time may deepen, widen, cleanse, repair, or otherwise improve any race, drain, dam or reservoir cut or constructed through or upon any Crown lands; and such water right, and the property and interest in any race, drain, dam, or reservoir cut or constructed by virtue thereof, shall be deemed to be a chattel interest.

Provided that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of the water flowing in a natural bed or channel through or along the margin of land belonging to or occupied by him, or naturally deposited within such land.

65. In every case in which any portion of the land held under any lease granted under the provisions of this Act or any former Act has been granted, or shall hereafter be granted by the Crown during the continuance of the lease under which the said land is held, to any person other than the lessee of the said land, to be held by such other person in fee simple or for any lesser estate therein, it shall be lawful for the lessee of the said land, during the continuance of the said lease or of any renewal thereof, to extend into such granted portion as aforesaid of the said land, at a depth of not less than fifty feet from the surface thereof, the excavations and other mining operation carried on under the powers conferred by the said lease or any renewal thereof on any portion of the said land, and to remove from such granted portion as aforesaid of the said land at such depth as aforesaid all metals and minerals which the lessee is empowered by the said lease or any renewal thereof to remove from the said land, as freely as if such

granted portion as aforesaid of the said land had never been granted as aforesaid.

80. The Governor in Council may, from time to time, by proclamation published in the *Gazette*, declare that any of the provisions of this Act shall apply to mining for diamonds and any other precious stones, and may also define the portion or portions of Tasmania wherein any such proclamation shall take effect, and may make such regulations for such mining as may be requisite.

84. Every mine-owner shall appoint and continue to have a manager, who shall be deemed the mining manager of the mine; and the name and address of such manager for the time being shall be notified by him in writing to the chief Inspector of Mines and registered by him; and no person shall be so appointed who has not the management of the mining operations carried on by such owner. In the event of such mining manager ceasing to be in his employment the said owner shall forthwith give notice of the same in writing to the said Inspector.

It shall be the duty of every mining manager to enforce to the best of his power the observance of the provisions of this Act by all persons employed in or about the mine of which he has charge; and no agreement with the contractors or tributors or others will be allowed to relieve him of the responsibility of having all work in and about the mine carried on in a safe manner and in accordance with this Act.

120. Subject to the provisions of this Act any person may enter upon and occupy any land comprised in any lease to mine for minerals other than gold, for the purpose of prospecting or mining for gold; but no such occupation shall interfere with or obstruct the lessee in conducting mining operations under his lease.

122. Where gold is associated or combined with any other mineral in any land held under any lease to mine such land for minerals other than gold, if the lessee of such land shall desire to mine for such gold, or should the nature of the mining operations be such as to lead to the removal of such gold, such lessee may make application to the Secretary for Mines for a licence to mine such land for gold, in addition to any other mineral which he may be authorised to mine; and if such lessee shall proceed to mine for such gold before he shall have obtained such licence his lease to mine for other minerals shall be liable to be forfeited by the Governor in Council as for a breach of condition.

The rent reserved on such licence shall be a sum not more than fifteen shillings per acre per annum and shall be determined from time to time in the same way as the rent reserved in lease to mine for gold in combination with other minerals is fixed; and all the provisions in this Act and the Regulations relating to the determining of the amount to be paid as rent for any such lease shall extend and apply to any licence issued under this section.

123. Every person who shall have obtained a lease to mine for gold upon any land not subject to a lease to mine for other minerals shall be entitled to mine for any minerals found in the land included in such lease.

131. In and for Tasmania there shall be a Mining Board consisting of six members as follows, that is to say—

(i.) The Minister of Mines for the time being:
(ii.) The Secretary for Mines:
(iii.) Four Commissioners to be selected and appointed by the Minister.

138. The Board shall entertain, hear, and determine, in such manner as may be prescribed, any question, whether of law or fact, arising on any appeal from the recommendation of a Commissioner for the forfeiture, or refusal of forfeiture, or otherwise, of any lease or licence, and shall affirm, reverse or amend the decision of the Commissioner, or make such other order in relation to the matter and as to the costs and expenses of the appeal and the procedure before the Commissioner as to the Board may seem fit.

139. The decision of the Board thereon shall be final and conclusive, and binding upon all parties, and the Governor in Council, subject to the right of appeal to the Supreme Court on questions of law only, in the same manner as hereinafter provided with respect to appeals from a decision of a Commissioner.

203. It shall be lawful for the Governor in Council, by notice published in the *Gazette*, to exempt any Crown lands from the operation of this Act or any part thereof.

207. (1) Notwithstanding anything hereinbefore contained, no person other than a Commissioner, Registrar of Mines, Constable, Bailiff, or other person authorised in that behalf by a Commissioner, shall be entitled to enter upon or occupy any miner's claim, demised land, or other claim of any other person without the previous consent in writing of a Commissioner, and without paying to such other person compensation for any loss or inconvenience likely to be suffered by such other person in the carrying on of prospecting or mining operations, by reason of such entry and occupation; and such compensation shall be ascertained by arbitration in the manner hereinbefore prescribed: Provided no compensation shall be payable unless the same shall be demanded by the holder of such miner's claim, demised land, or other claim from the person so obtaining permission, within one month from the time such holder is notified of the issue of such permission.

(2) The Commissioner who issues any permission under this section shall forthwith give notice to the person in charge of the miner's claim, demised land, or other claim affected by the permission, or, if there be no person so in charge, then to the holder of such miner's claim, demised land, or other claim as aforesaid.

EXTRACTS FROM "REGULATIONS UNDER THE MINING ACT, 1900."

2. Prospectors' licences shall be in the form in the schedule hereunto annexed, No. 1, and shall be issued by the Commissioners of Mines and the Registrars of Mines and such other persons as shall be authorised thereto by notice published in the *Gazette* under the hand of the Minister of Mines.

3. The area of Crown lands which the holder of a prospector's licence shall be authorised to take possession of and hold for the

purpose of prospecting for gold or minerals by virtue of such licence shall be as follows:—If it is intended to prospect for

(*a*) Gold, an area not exceeding twenty acres;

(*b*) Coal or shale, an area not exceeding one hundred acres;

(*c*) Any mineral other than those above mentioned, an area not exceeding forty acres.

Every area taken possession of under such licence shall be called a prospecting claim, and shall be square, or as near thereto as possible, with the boundary lines running to the cardinal points where practicable.

5. Within forty-eight hours after taking possession of such claim the owner or owners thereof shall themselves, or by their agents or servants, commence *bonâ-fide* prospecting operations thereon or in connection therewith, and shall keep employed in *bonâ-fide* prospecting operations at least one man for an aggregate of forty hours in every week; and if such prospecting operations shall be at any time suspended without good and sufficient excuse for a period of forty-eight hours, exclusive of Sundays, the claim shall, unless protected by the order in writing of a Commissioner, be deemed to be abandoned, and may be taken possession of as unoccupied Crown lands. A Commissioner may grant protection in respect of such claim upon the same terms and conditions as are set forth in Regulation No. 23 with regard to miners' claims.

6. The Minister may, upon the recommendation of a Commissioner, grant to any person who is the holder of a prospector's licence, and desires to prospect under conditions which require a more extended area than is provided for in Regulation 3, an extended prospecting claim, not exceeding an area of three hundred and twenty acres. The particular circumstances of each case and the nature and extent of the proposed operations, and of the appliances intended to be used, will be taken into consideration before any such extended prospecting claim is granted.

The period for which such prospecting claim may be granted shall not exceed six months, but the period may be extended by the Minister for a further term not exceeding six months upon the Minister being satisfied that proper and sufficient prospecting operations have been carried on during the previous period.

7. The holder of an extended prospecting area shall, during the time he is authorised to hold such area, employ and keep employed in *bonâ-fide* prospecting operations on the area—

One man for every 40 acres or part thereof, where it is granted to prospect for gold;

One man for every 100 acres or part thereof, where it is granted to prospect for coal or shale;

One man for every 80 acres or part thereof, where it is granted to prospect for any other mineral.

And if the proper number of men is not kept employed in *bonâ-fide* prospecting operations for at least forty hours in every week, such claim shall, if not previously protected by an order in writing by a Commissioner, be deemed to be abandoned and may be thereupon taken possession of as unoccupied Crown lands.

8. The Minister may permit the holder of an extended prospecting

claim instead of or in addition to employing the necessary number of men according to area, as provided in Regulation No. 7, to expend in each month of his term such amount of money as he may then determine, and a Commissioner may by writing under his hand, and upon being satisfied as to such employment and expenditure, exempt such claim from the provisions of Regulation No. 7 for such time as he shall think fit not exceeding one month.

23. When any person or persons holding a miner's claim, or prospecting claim, or extended prospecting claim require to suspend operations thereon, such person or persons, or some person duly authorised in his or their behalf, may apply from time to time to a Commissioner for permission for such claim to be held in reserve and unworked for any period not exceeding one month, and the Commissioner is hereby authorised, if he think fit, to grant the same, upon payment of the fee of five shillings ; and at the expiration of such term a Commissioner may, if he think fit, renew such protection for a further term of one month, and such person or persons shall cause notice of such protection to be posted on some conspicuous part of the claim to which it relates during the term of the protection, and such claim shall, during the time of such protection, be exempt from the provisions of these Regulations with regard to the working of such claim.

37. All claims, except races, channels, roads, ways, or other easements of a similar kind, held under lease shall be applied for in the form of a square, or as near thereto as practicable, with the boundary lines running to the cardinal points where practicable.

39. The Secretary for Mines may reject any application for or transfer of any lease which appears to him to be in the name of an unregistered company.

44. Any person intending to object to the issue of a lease under any application may, at any time after the deposit of the application, and before the expiration of fourteen days after the receipt of the surveyor's plan and report, deliver to a Commissioner or to a Registrar a notice in the form in Schedule No. 12, or to the like effect, setting forth the grounds of his objection, together with an objection fee of one pound and a deposit as hereinafter mentioned, and shall, as soon thereafter as practicable, give to the applicant or any two of them, if there shall be more than one, a similar notice.

56. Applications to have a lessee fined or for the forfeiture of any lease for non-performance of the labour clauses, except as otherwise provided by these Regulations, shall be heard and determined by a Commissioner in open Court.

57. Whenever any lease shall be declared void, or the lessee shall be lawfully expelled or removed from the claim held thereunder, at the instance or upon the application of any person, such person shall have a preferential right to take up the land comprised within the area of such lease or a subdivision thereof without being required to mark the same as hereinbefore prescribed, provided such person shall within fourteen days from the publication of the notice of forfeiture exercise such preferential right.

62. A Commissioner may from time to time, in his discretion, and

upon payment of the prescribed fee, grant to any lessee an order exempting his lease, until the termination of the next ordinary meeting of the Mining Board, from forfeiture through the non-performance of the covenants or conditions of his lease with regard to employment of labour or expenditure of money or use or occupation of the rights held under such lease, as to such Commissioner shall seem fit. Such exemption may be in addition to any exemption to which such lessee may be entitled under the provisions of section 42 of the Act.

81. The rent which shall be paid for any easement shall be a sum of five shillings per acre per annum for all land licensed to be used thereunder.

82. Any licence for a mining easement may be declared void and forfeited if the holder thereof shall fail or neglect to pay the rent reserved in such licence or shall fail or neglect to use the easement in a *bonâ-fide* manner and continuously for a period of six months, without the permission in writing of the Commissioner.

88. The Mining Board shall be summoned to meet at least twice in every year—once in the month of March or April, and once in the month of September or October. It shall also be summoned to meet at such other times as the Minister may from time to time determine.

103. Certificates of competency for the office of mining manager shall be granted to such persons as shall satisfy the Board of Examiners of their fitness to receive the same.

131. The form set out in the Schedule No. 24, or with such modifications or additions as the Minister of Mines shall think fit, shall be the form of licence or authority to mine for additional minerals or to mine for gold under a mineral lease.

WESTERN AUSTRALIA.

Gold-Mining.—The principal mineral production of Western Australia is gold, the mining of which has been prominently before the British public of late years. It has been extensively worked in the southern districts of the State since the year 1895, and some gold-mining has also been fitfully attempted in the northern and north-westerly districts of Kimberly and Roebourne; but, in these tropical countries, the prohibition of the employment of alien labour is fatal to this as to all other industries.

Crown Rights.—Western Australia is a comparatively newly settled State, at least in all but the most southerly districts, and in all cases in the grants of Crown lands the mining rights regarding the precious metals have been reserved to the Crown, and the Government also holds the right of resumption of private lands for mining purposes on compensating the owner.

Mining Legislation.—The present mining practice is regulated by the Goldfields Act, 1895, and the Regulations for the Management of Goldfields, 1901, the latter issued under the 1895 Act.

There is also an amending Act of 1903, by which some slight alterations, which will be noted, are made in the previous Acts. Under the provisions of this legislation, certain areas of land are proclaimed as gold-fields by the Government, and are placed under the control of Wardens and Wardens' Courts in the usual manner. Miners' rights are issued to any applicant of European descent on a payment of ten shillings per annum. This miner's right invests the holder with the privileges of a miner, to occupy and to prospect on Crown lands for minerals, to locate certain areas as claims or residential and business stands, and to enjoy water rights; also to apply for mining leases, to appear in the Warden's Court as an applicant or as an objector, and other such matters. **Gold-mining leases** are granted covering an area not exceeding 24 acres, at an annual rental of twenty shillings per acre or part of an acre, for a term of twenty-one years. Contiguous leases may be amalgamated up to a total area of 96 acres, in which case the sum of the labour conditions imposed on all the leases may be centered on any part of the whole block. These **labour conditions** are stated in Clause 72 of the Regulations to be the employment of one man to every 6 acres of the property; and the "efficient working of the ground," on which the tenure of the mine depends, is stated to be the constant employment of this number of men on every lawful working day. Exemption from these conditions, and protection against sudden forfeiture, may be obtained from the Warden's Court for a period not exceeding six months, under certain circumstances; and, on application to the Ministry of Mines, a prolongation of this protection may sometimes be obtained, when exceptional reasons can be shown. In all these matters, large arbitrary powers are vested in the Minister for Mines, from whose decision there is practically no appeal. For **minerals other than gold**, prospecting licences are issued, on payment of a fee of ten shillings per annum, which in their sphere confer similar privileges to those attached to a miner's right. To holders of these licences, mining leases are granted for a term of twenty-one years, over areas not exceeding 48 acres (reduced from 160 acres by 1903 amendment), at a fixed annual rental of five shillings per acre or part of an acre. No royalties are charged on the production of metalliferous minerals. Coal-mining leases are granted for twenty-one years, over an area of 320 acres (reduced from 640 acres by 1903 amendment, except in the case of new discoveries), at an annual rental of sixpence per acre, and a royalty of threepence per ton on coal extracted for the first ten years of the lease, and sixpence per ton for the remainder of the term.

EXTRACTS FROM "THE GOLDFIELDS ACT, 1895."

7. It shall be lawful for the Governor by proclamation in the Government *Gazette* to declare any Crown lands to be a gold-field within the meaning and operation of this Act, and by the same or any subsequent proclamation to divide any gold-field or part thereof into districts and to define the limits and boundaries of any gold-field or district and assign a name or designation thereto respectively and from time to time to alter, amend, and vary any such limits, boundaries, and designations, or abolish such gold-field.

14. The Minister and every Warden, and all persons appointed for such purpose by the Minister, whether individually or in virtue of their offices, may issue documents to be called "miners' rights" which shall be in force for one year from the date thereof and shall be granted to any person (not being an Asiatic or African alien) applying for the same upon payment of a sum of ten shillings. Every such document shall be dated of the day and at the place of issue thereof and contain the Christian name and surname of the person in whose favour the same shall be issued and shall be signed by the person issuing the same on behalf of the Minister, and shall not be transferable.

15. The Minister, and every Warden, and all persons appointed for such purpose by the Minister, whether individually or in virtue of their offices, may issue documents, each to be called a "consolidated miner's right" and to be in force for one year, and the same, on the application of the manager or any trustee or trustees of any co-partnership, corporation, or corporate body, or other legally constituted association of persons who shall have agreed to work in partnership any claim or claims registered under the provisions of this Act, shall be granted on payment of a sum of ten shillings for each person which the same is to represent.

16. Every holder of a miner's right and any number of persons collectively being each the holder of a miner's right shall subject to the provisions of this Act and the Regulations be entitled, except as against Her Majesty, to take possession of, mine, and occupy unoccupied Crown lands for gold-mining in accordance with the Regulations in force from time to time.

17. No person shall be entitled to institute proceedings in any Warden's Court to recover possession of any claim or other authorised holding or any share therein or to recover damages for or to restrain the occupation of or encroachment upon such claim or authorised holding or any part thereof or obtain any relief as tenant in common, joint tenant, or co-partner therein against his tenant in common, joint tenant, or co-partner unless such person shall have been the holder of a miner's right or a business licence at the time his alleged title to recover possession or damages or interest or to obtain such relief first arose or accrued. No person shall be capable of lawfully taking possession of any claim or other authorised holding, or of registering, transferring, assigning or encumbering the same, unless he is the holder of a miner's right or a business licence, as the case may be.

18. Any incorporated mining company having a registered office

within the Colony as required by "The Companies Act, 1893" may apply for and obtain so many rights in the name of the corporation or company as shall be required under the Regulations in force to hold any claim or other authorised holding: Provided that the locality of the company's office and the name of the manager be registered in the office of the Mining Registrar of the gold-field or district in which the claim or other authorised holding is situate.

25. The registered owner or a majority of the registered owners of any claim or authorised holding who shall prove to the satisfaction of the Warden by evidence on oath in open Court that any of the causes for suspension of work in such claim or authorised holding hereinafter in this section mentioned actually exists may be granted by such Warden suspension of work therein for any period not exceeding six months in any one year. And thereupon such owner or owners shall register such suspension with the Mining Registrar and shall hold such claim or holding without incurring in any respect thereto any penalty for the breach of any of the provisions of this Act or the regulations relating to the working of claims during the same period.

(*a*) Want of capital, after a fair sum shall have been expended;
(*b*) That time is required for the erection of machinery;
(*c*) The influx or scarcity of water;
(*d*) Scarcity of labour;
(*e*) The collapse of the working shaft;
(*f*) That the mine is for some other cause unworkable;
(*g*) That the owner or owners require to be absent, for some sufficient reason, from the locality, or is or are unable by reason of sickness or other sufficient cause to work the mine;
(*h*) That the title to the mine is in dispute; or
(*i*) That the owner of two or more adjacent claims desires to concentrate the labour compulsory on such claims on one of such claims, and to obtain suspension of labour for the other claims.

32. The Minister with the approval of the Governor may grant to any person, subject to this Act and the Regulations, a lease of any Crown lands (not exempted by the next following section) for all or any of the undermentioned purposes, that is to say:—

(*a*) For mining purposes, or
(*b*) For cutting and constructing thereon water-races, drains, dams, reservoirs, roads, tramways to be used in connection with such mining, or
(*c*) For erecting thereon any buildings or machinery to be used for mining purposes, or
(*d*) For boring sinking for pumping or raising water, or
(*e*) For residence thereon in connection with any or all of such purposes.

34. The yearly rent to be reserved in any gold-mining lease shall be twenty shillings per acre. All such rents shall be payable in advance at the times and places and in the manner prescribed by the Regulations.

35. A lease for gold-mining purposes may be granted for any term not exceeding twenty-one years from the time of granting the same, and no such lease shall embrace an area exceeding twenty-four acres: Pro-

vided that where the workings shall be chiefly confined to quartz veins or lodes the area applied for shall not exceed in length along the lode or vein twice the width across the line of lode or vein. Provided also that it shall not be obligatory to grant any such lease to any person applying for the same, notwithstanding that he may have complied with the regulations in force and applicable thereto.

Any holder of a lease or applicant for a lease may transfer, assign, or encumber the whole or any part of his share or interest in such lease or application for lease in the manner prescribed by the Regulations.

40. There shall be implied in every lease issued under this Act or the Regulations a condition that if the lessee, his executors, administrators, or assigns fail at any time during the term to fulfil the conditions or terms or to keep the covenants therein contained or to use the land *bonâ fide* for the purpose for which it shall be demised, the lease for any such failure or breach shall be voidable at the will of the Governor, and every such lease shall contain such covenants, conditions, reservations, and exceptions as may be prescribed and as the Governor may approve, and shall bear the date of the approval thereof by the Minister and shall after execution be delivered to the applicant or his authorised agent or attorney upon payment of a deed fee of ten shillings. Every such lease shall be registered in the office of the Minister for Mines in Perth.

41. The holder of any gold-mining lease issued under the provisions of this Act or any Act hereby repealed and the executors, administrators, or assigns of such holder shall be entitled at any time, with the consent of the Governor, to surrender the said lease, and any such gold-mining lease shall at any time before the expiration thereof, at the option of the lessee, be renewable for a further period of twenty-one years: Provided that every such renewed lease shall be for the like term and subject to such rent, covenants, conditions, reservations, and exceptions as may be prescribed by any Act or Regulations for the time being in force regulating the management of gold-fields.

43. Any number of adjoining gold-mining leases, if the total area does not exceed ninety-six acres, may be amalgamated upon payment of a fee of twenty shillings for each lease so amalgamated: Provided that the labour to be employed in or in connection with such amalgamated leases shall be the sum of the labour conditions in each separate lease.

45. Upon a complaint to the Warden by any holder of a miner's right that the land comprised within any lease under this Act or any Act hereby repealed is not being efficiently and continuously worked in the manner and by the number of men as prescribed by the Regulations the Warden shall in open Court inquire into the matter of the complaint and may take such evidence therein on oath as shall be tendered by the complainant or by the person or persons claiming to be in possession of such land as aforesaid. If the evidence taken shall disclose that the number of men employed on the said land or solely in connection therewith is not equal to the number required as aforesaid by the Regulations, the Warden may recommend that the lease shall be forfeited and the land comprised in such lease may be awarded to the complainant, who shall be allowed fourteen days from the date of the

posting up at the Mining Registrar's office of the *Gazette* containing the notice of forfeiture within which to take possession and lodge an application for a lease or occupy the land as a claim in accordance with the Regulations. Within seven days after the hearing of any such complaint upon which a forfeiture is recommended the Warden shall forward to the Minister for consideration and decision of the Governor the evidence taken in the complaint, together with his report and recommendation on the case:

Provided that in the case of a first breach of the labour conditions or regulations it shall be lawful for the Governor to impose a fine as an alternative to forfeiture, and the whole or any portion of such fine may, in the discretion of the Governor, be awarded to the applicant for forfeiture.

49. It shall be lawful for the Governor to establish by proclamation on any gold-field or in any district a court, to be called the Warden's Court, to be presided over and holden by a Warden, and every such court shall be a court of record and shall possess such jurisdiction as is hereinafter conferred, and be held at such places as the Governor may appoint. And for the purposes of this Act the term "Warden's Court" means equally the Warden sitting alone and such Warden sitting with assessors as hereinafter provided.

51. Every Warden shall have and exercise jurisdiction in respect of the matters hereinafter contained throughout Western Australia, with power to issue summonses, warrants, or other process, which shall have legal effect and operation throughout the said Colony.

92. Any Asiatic or African alien found mining on any Crown land shall be liable for every such offence to a penalty not exceeding ten pounds, and the Warden shall in his discretion cause such person to be removed from any gold-field, and whether such person has or has not been prosecuted for an offence against the provisions of this section.

96. If any Warden, Registrar, or Mining Surveyor shall at any time during his appointment hold any interest or share in any claim, gold-mining or mineral lease or mining adventure, or if any Warden shall adjudicate in any matter in which he shall have any pecuniary interest, the person so offending in any such case shall be guilty of a misdemeanour and be liable to fine or imprisonment or both in the discretion of the Court.

99. It shall be lawful for the Governor in Council from time to time to make, alter, and repeal such regulations as may be necessary for the purpose of giving effect to this Act and for the management of gold-fields generally.

EXTRACTS FROM "THE REGULATIONS FOR THE MANAGEMENT OF GOLD-FIELDS, 1901."

61. Any person or any number of persons conjointly desirous of obtaining a lease for gold-mining may, in manner hereinbefore described, take possession of any Crown land not exempted from lease, and apply for a lease of such land for any term not exceeding twenty-one years.

62. The term of every lease shall be computed from the first day of January next preceding the date of application therefor. The area of a lease for gold-mining shall not exceed twenty-four acres. The maximum area of such lease as far as practicable shall not exceed twice the width across the line of reef or lode, and such area shall be measured in the form of a rectangular parallelogram wheresoever it is practicable to measure in that form.

66. Any person being the applicant for or holder of a lease or miner's right or business licence may object to the granting of a lease to any person, and in such case shall within thirty days after the application for lease has been lodged with the Warden, lodge with the said Warden, and also serve such applicant with a notice in the form of Schedule 11, of every objection intended to be taken by him against the issue of such lease.

72. All ground held under mining lease shall at the expiration of thirty days from the notification in the Government *Gazette* of the approval thereof be efficiently worked by not less than one man for every six acres or fraction of six acres, unless exemption or partial exemption from work has been granted: Provided that the labour to be employed on any lease, the land comprised in which has not before been wholly or in part held under gold-mining lease, may be two men for the first twelve months after the date from which it is necessary to efficiently work the lease; subject, however, to any exemption which may be granted at any time. Provided further that, subject to exemption, no lease shall be worked by less than two men.

73. In case any lessee or working shareholder in any lease is unable to continue working on the same owing to sickness, attendance at a Court of Justice, or from any sudden emergency, such lessee or shareholder may, on written application to the Warden, stating the reasons for the same, and without notice or payment of fee, obtain exemption or partial exemption from work on such lease during such period as may be necessary; and it shall not be compulsory to continue working on any lease during any general cessation of work caused by floods or rain, or on any public holiday, or on any holiday proclaimed by the Minister.

75. (*a*) Any lessee or applicant for a lease may apply to transfer the whole or any share or shares in such lease or application therefor in the form of Schedule 23, by lodging such form as herein provided, together with the fee prescribed in Regulation 183, and the stamp duty payable thereon, provided that no portion of any share or unit may be transferred, and the registered holder of any lien upon any lease or share therein or application for lease may, in like manner, transfer the same, but no transfer shall be valid or recognised by the Crown, unless made with the licence, sanction, or authority of the Minister, and duly registered in the office of the Minister at Perth: Provided that the Minister or Warden may require from the parties to any transfer a statutory declaration as to the correctness of the amount of consideration expressed in such transfer: Provided also that no such licence, sanction, or authority shall be required in the case of any transfer made by any person in whom the right to sell or assign is vested

by operation of law, but every such transfer shall be registered as aforesaid.

(*b*) Registration of all transfers shall take place at the Minister's Office, Perth.

(*c*) Transfers may be lodged with the Warden or at the Minister's office, at the option of the parties thereto, and the priority of right to registration shall be according to the priority in time of lodgment.

(*d*) The Warden shall record all transfers received by him, and forward them to the Minister's office, together with the instrument of lease (if available) for endorsement.

(*e*) When transfers are lodged at the Minister's office the Warden of the gold-field wherein the leases to be transferred are situated shall be advised of the full particulars of such transfers.

77. When the holder of a lease proposes to surrender such lease conditionally upon the application for a claim or a new lease being granted, he shall, until such surrender has been accepted, continue to fulfil the working conditions (if any) of the lease proposed to be surrendered.

79. Any lessee desirous of obtaining exemption from labour conditions for a longer period than one month and not exceeding six months may, in the form of Schedule 27, lodge an application with the Warden, together with the fee prescribed in Regulation 183, and shall post a copy of such application at the working shaft of the lease on which exemption is desired, and at the Warden's office, seven working days before the hearing thereof by the Warden, that any objections may be lodged. Such application and objections (if any), together with a certified copy of the evidence taken on oath in open Court, shall, within seven days after the hearing, be forwarded to the Minister by the Warden, accompanied by his recommendation of the granting or refusal of the application. The Minister may grant or refuse the application. If the Minister shall grant exemption, a certificate in the form of Schedule 29 shall be issued to the applicant. A copy of such certificate shall forthwith be posted at the working shaft of the land exempted, and kept visible during the period of exemption. Any breach of the conditions set out in the certificate shall render the certificate null and void, and if work shall not forthwith be resumed, the lease so exempted shall be liable to forfeiture. When exemption is granted on one or more leases for the purpose of concentration of labour, a fee of five shillings shall be payable for each lease so exempted, provided that the minimum fee shall be one guinea.

83. An application to amalgamate two or more adjoining leases shall be made to the Warden, in the form of Schedule 4; and if the Warden is satisfied that the case comes within section 13 of "The Goldfields Act, 1895, Amendment Act, 1898," and section 47 of "The Goldfields Act Amendment Act, 1900," and on payment of a fee of twenty shillings for each lease, he shall transmit the application, with a report thereon, to the Minister. On the approval of the amalgamation applied for, the same shall be registered and recorded against each of the leases, and a certificate shall be issued to the lessee or lessees in the form of Schedule 5: Provided that on such application the Warden

may, if satisfied that the case comes within the sections aforesaid, allow the labour to be concentrated on any portion of the leases as if the leases were amalgamated, pending the approval of the Minister.

106. Any miner giving notice that any registered claim, or share or interest therein, or authorised holding is liable to forfeiture for breach of any condition other than non-payment of rent for the same, and being desirous of obtaining possession of the same on his own behalf, may apply for the forfeiture thereof by plaint and summons, as provided in the Judicial Regulations, and shall at the time of lodging such plaint produce his miner's right to the Mining Registrar. On the hearing of the plaint in the Warden's Court, the Warden may declare such claim or authorised holding absolutely forfeited, and thereupon the right or title of the original holder thereof shall cease and determine.

112. Any lease, claim, or authorised holding shall be considered "efficiently worked" when eight hours' *bonâ-fide* work is performed thereon by the complement of men required by these Regulations on every working day except Saturdays, when four hours' work will be considered sufficient. Any person or miner performing mining operations on or in connection with his lease, claim, or authorised holding, or attending any Court of Law on any suit connected therewith, or when summoned as a witness, shall be deemed to be working such lease, claim, or authorised holding within the meaning of these Regulations. Any lease, claim, or authorised holding not so efficiently worked shall be liable to forfeiture.

117. The owner of any registered claim or authorised holding may apply to the Warden, after having posted a copy of the application, in the form of Schedule 27, at the Warden's office and on the claim or authorised holding, six clear working days prior to the day of the hearing of the application by the Warden, to have the claim or authorised holding registered as exempt from work, use, or occupation for any period not exceeding six months in any one year, and the Warden may grant the exemption applied for upon the receipt of the fee prescribed in Regulation 183, and shall thereupon issue a certificate in the form of Schedule 28, a copy of which shall be posted in a conspicuous place on such claim or authorised holding: Provided that the Warden may grant exemption for a period not exceeding thirty days for any sufficient reason upon application by the owner thereof, of which notice must be given by posting a copy of the application at the Warden's office, and on the claim or authorised holding, three clear working days prior to the hearing of the application by the Warden.

In any case where machinery has been erected upon any claim and is kept constantly at work, the Warden may, in his discretion, dispense with so much of the labour conditions as to him may seem fit.

122. Except as otherwise provided, the holder of any registered claim or authorised holding or share therein, or the registered holder of any lien thereon, may transfer the same in the form of Schedule 16, after having posted a notice in the form of Schedule 15 of his intention so to do at the Warden's office, and on the claim or authorised holding, for three clear working days; and upon production at the Warden's office of his certifi-

cate of registration, transfer certificate, or lien ticket (or declaration of loss thereof) and payment of the fee prescribed in Regulation 183, the Warden shall, provided no valid objection be lodged against such transfer, register the same and issue to the transferee a certificate of transfer in the form of Schedule 35, and the transferee shall thereupon be liable for all encumbrances, agreements, and conditions registered against the property so transferred.

124. The yearly rental to be reserved per acre, or fraction thereof, on all leases and authorised holdings where payment of rent is not otherwise provided for, shall be, in the case of a garden area or poultry farm, five shillings, and in all other cases twenty shillings: Provided that in case of water rights the Minister may in special cases approve of any less rental being reserved. All rents shall be payable in advance, and the first payment shall be made at the time of lodging the application, and all subsequent payments shall be payable to the Warden, or, in case of a lease, to the Warden or to the Minister at the Department of Mines in Perth. Any rents tendered subsequent to the thirty-first day of January shall only be received subject to payment of a fine of threepence in the pound for every month or fraction of a month that the same are overdue. Should the rent and any fine due on any authorised holding or lease be not paid on or before the thirty-first day of March, any such authorised holding may be forfeited by the Warden, and any such lease shall be voidable at the will of the Governor. Leases and authorised holdings applied for during the year will be charged rent from the beginning of the quarter of the year during which the application is made. Such quarters end on the thirty-first day of March, the thirtieth day of June and September, and the thirty-first day of December.

131. If any man who is employed by the owner of any lease, or any claim, or share therein, fails to comply with the labour conditions thereof, absents himself from such lease or claim or otherwise neglects to comply with the labour conditions, unknown to the owner, the lease or claim or share therein shall not be forfeited, unless it remains unrepresented for seven clear working days after due notice of such absence or neglect has been served on the owner or his agent.

133. The tools, appliances, and movable mining plant used in connection with any claim or authorised holding shall not be forfeited therewith; provided that such of them as belong to any forfeiting shareholder, and are easily removable, shall be removed from the claim or authorised holding within two calendar months from the declaration of the forfeiture, or within such further reasonable time as the Warden may allow. And provided further that at the time of declaration of forfeiture of any share in any claim or authorised holding, or within seven days thereafter, the Warden may, on application, assess and declare the value of the forfeiting shareholder's interest in any tools, mining plant, or appliances as are not easily removable, and within seven clear working days after the declaration of such forfeiture the incoming shareholder shall pay into the Warden's Court the full amount of such value for the use of the forfeiting shareholder; and in default of such payment the forfeited share may be granted to any other miner applying for the same, and paying into the Warden's Court the assessed

value of the forfeiting shareholder's interest in the tools, mining plant, and appliances.

143. When an Inspector of Mines is not immediately available, should any accident occur in connection with mining whereby loss of life or serious bodily injury has been occasioned, the mining manager or other person in charge of the mine or other works, or some one of the shareholders, shall immediately report at the Warden's office the nature of the accident, and the Warden shall cause an inspection to be made of the mine or other works where the accident occurred, by two competent persons, and may proceed to hold an inquiry into the nature and cause of the accident, and shall forward a copy of the evidence taken at such inquiry, with his report thereon, to the Minister.

CHAPTER XIX.

NEW ZEALAND.

Crown Rights.—Gold and coal are at present the principal mineral productions of the New Zealand islands, but a number of other minerals of value have been discovered in more or less payable quantities in various districts. The mining right to all minerals in New Zealand, other than gold and silver, is vested, in the first instance, in the landowner; but all land granted subsequently to the year 1873 may be resumed by the Government for mining purposes. On resumption of private lands, compensation is made to the owner for the value thereof, apart from its prospective value in any gold or silver which it may be found to contain.

Legislation and Mining Conditions.—As in the States of the Australian Commonwealth, the laws relating to mining in New Zealand form a large and complicated mass of legislation, including numerous Amending Acts and copious bye-laws and regulations issued by local mining authorities. Each Act repealing or partially repealing former Acts provides generally that everything done under the former Act remains valid; consequently, with regard to the private ownership of land, there appear to be at least three classes of proprietorship: (1) lands in private ownership previous to the passing of the Resumption of Land for Mining Purposes Act, 1873, which land cannot be resumed by the Government for mining purposes without the owners' consent; (2) lands alienated subsequent to the passing of the 1873 Act, but prior to the Coal Mines Act of 1891, which can be resumed for the mining of any minerals except coal, also in certain cases for works connected with coal-mining; (3) lands which have passed from Government into private ownership after 1891, which are resumable by the Government at discretion for the mining of any minerals. In all cases resumption of land for mining purposes is subject to compensation to the private owner.

The title to all mining property, whether it be situated upon

Government or upon private lands, is burdened by drastic labour conditions, arbitration clauses as between masters and workmen, obligation to contribute to sick and ancient funds, and to allow inspection of the mine and workings by the representatives of trade unions. Amalgamation and transfer of mines can only be effected with the consent of the Legislature, which, with the claim system in vogue, tends to restrict the consolidation of mining areas into large properties and to favour small holdings. The **labour conditions**, which make obligatory the constant employment of a certain number of men on every mine, constitute here, as in Australia, a serious deterrent to the investment of capital in mines, which is by no means reduced by the stipulation in clause 86, section 4 of the Mining Act, 1898, that, to the extent of one-half of the number of workmen covenanted to be employed on a mine, the number may be reduced by one man for every thousand pounds sterling of capital expended on machinery or permanent works. It is not the number of men to be employed that constitutes the grievance of the labour conditions, but the obligation to do anything which may be at times beyond the control of the mine-owner. Certain areas are by Government proclamation constituted as mining districts, and, as in Australia, placed under the control of wardens, who, with their staff of inspectors, registrars, receivers of gold, revenue clerks and bailiffs, administer the mining law in their several districts. The wardens and officers are prohibited by the law from holding any personal interest in any mining venture within their respective districts.

Miners' Rights.—Any person, apparently males only (as the pronouns *he*, *him*, and *his* are universally used in the Act, and no reference is made to sex), not under the age of fourteen years, may apply for, obtain, and hold any number of the documents known as miners' rights, which remain in force for twelve months from the date of issue, and for each of which an annual fee of ten shillings is charged, except when the rights are to be exercised on ceded Native lands, in which case the fee is twenty shillings per annum.

These miners' rights entitle the holder to prospect for minerals on any land legally open to prospecting, to take up and hold one alluvial gold claim for each right, to make applications for any other mining ground or privilege, and to appear with the rights of a miner in the Warden's Court of the district. The size of claims and areas of mining land which a holder of mining rights may take up is determined on consideration of his application in the Warden's Court. The claims allowed are of several different classes, according to the nature of the

work involved: these are quartz reef claims, alluvial claims, dredging claims, sea-beach claims, and others, different conditions prevailing in each class. Continuous work and observance of the labour conditions is obligatory on all claims not legally exempted or protected; but protection certificates suspending these obligations for a limited time can be obtained on somewhat onerous conditions.

Under the Mining Act Amendment Act, 1904, prospecting areas of up to 10,000 acres may be granted by the Government Minister of Mines on application made through a Warden's Court, with exclusive rights to certain minerals specified in the licence or warrant. On these prospecting areas mining leases are issued, subject to the usual conditions, for a period of twenty-one years, at a fixed rent of twenty shillings per acre in the case of gold-mining, or two shillings and sixpence per acre for other minerals, with a royalty in the latter case of about 5 per cent. on the gross value. A tax of two shillings per ounce on gold exported is also imposed, but this varies from time to time. Coal-mining leases on Crown lands are also granted for a term of sixty-six years, over an area not exceeding 2000 acres, subject to an annual rental of two to five shillings per acre, merging into a royalty of sixpence to one shilling per ton of coal taken out for sale.

The voluminous and detailed provisions of the New Zealand mining law relating to alluvial gold diggings are almost entirely omitted from the following abridgement, as being at present of nc great interest to English mining circles.

EXTRACTS FROM "THE MINING ACT, 1898."

3. Except where hereinafter otherwise specially provided, nothing in this Act contained shall apply to coal, or to mining or searching for coal.

4. The Governor, by Order in Council gazetted, may from time to time declare that any of the provisions of this Act shall apply to mining for diamonds, and any other specified precious stones, and may also from time to time define the districts wherein any such Order in Council shall take effect.

57. In lieu of resuming land for mining purposes, the Minister may agree in writing with the owner thereof that such land shall be available for mining purposes in like manner as if it were Crown land, and in every such case the provisions of paragraphs (*a*), (*b*), and (*c*) of section seventy-seven hereof, and also the second schedule hereto, shall, *mutatis mutandis*, apply.

58. In every case where land is made available for mining purposes under the provisions of either of the two last-preceding sections hereof the owner of the land shall, whilst the same is so available, be entitled

to all rents, royalties, and licence fees derived from mining in respect of such land, and the same shall be paid to him accordingly as and when received by the Receiver.

62. On the application of any person not under the age of fourteen years there shall be issued to him a document called a "miner's right"; and with respect to every miner's right the following provisions shall apply:—

(1) It shall be in the prescribed form and shall be signed and issued by any Warden or Mining Registrar, or by any duly authorised Postmaster.

(2) It shall continue in force for twelve months from the date thereof, but no longer, and shall be dated on the day of its issue.

(3) It may be issued to a person who already holds one or more miners' rights, and any number may be issued to any person.

(4) It shall not be transferable.

(5) It shall specify the place and district in which it is issued, the full name and address of the person to whom it is issued, and the block of Native ceded land (if any) to which it relates.

(6) The rights by this Act hereinafter conferred upon the holder of a miner's right may, subject to the provisions of this Act, be exercised by him in respect of all lands to which the miner's right relates, meaning thereby—

(*a*) All lands throughout the colony that are open for mining, except Native ceded lands; or

(*b*) All such lands as aforesaid with the addition of any such one block of Native ceded land as is specified in the miner's right at the time of the issue thereof.

(7) For the purposes of this section "block" means the block ceded by any single group of Native owners who, under the term of the cession, are entitled to all fees received for the issue of miners' rights relating to the block.

(8) There shall be payable upon the issue of the miner's rights—

(*a*) A fee of ten shillings where it does not relate to Native ceded lands;

(*b*) When it does so relate, a fee of twenty shillings, or such other sum, if any (being in no case less than ten or more than twenty shillings), as has been agreed to be paid on behalf of Her Majesty to the Native owners of the specified block of Native ceded land to which the miner's right relates, as the consideration for the right to authorise mining operations thereon.

64. A miner's right shall not be deemed to be an element of title to any mining privilege, but shall operate as a personal qualification authorising the holder thereof, whilst it continues in force, to do, from time to time, all or any of the following things under and subject to the provisions of this Act, that is to say:—

(1) To prospect for any metal or mineral on Crown lands open to prospecting;

(2) To take up and hold, without application to or licence from the Warden, one ordinary alluvial claim for each miner's right;

(3) To make any application under this Act to the Warden or the Warden's Court;

(4) To commence any civil suit or proceeding before the Warden or the Warden's Court;

(5) To become the transferee of any mining privilege other than a miner's right;

(6) Subject to regulations under this Act, to cut timber for his own use from unalienated Crown land open for mining, and with the consent of the Warden, and on such terms and conditions as are prescribed, to make tramways or roads for that purpose;

(7) To do such other things as by this Act or the regulations thereunder the holder of a miner's right is by virtue thereof authorised to do.

65. On application by or on behalf of any person a document called a "consolidated miner's right" shall be issued to the applicant as beneficial holder thereof, or (as the case may be) to any specified person as nominated holder thereof, on behalf of the applicant as beneficial holder; and with respect to every consolidated miner's right the provisions of sections sixty-two to sixty-four hereof shall, *mutatis mutandis*, apply, as also shall the provisions following, that is to say:—

(1) It may comprise any number of miners' rights, and the fee payable on the issue thereof shall be a sum equal to the aggregate of the prescribed fees of all the miners' rights comprised therein.

(2) It shall specify the name or style of the beneficial holder, and also in the case of a mining partnership the full name of each member thereof at the date of issue.

(3) So long as it continues in force the beneficial holder shall be deemed to be the holder of all the miners' rights comprised therein. and in the case of a mining partnership all persons who from time to time are members of the partnership shall, whilst members, be deemed to be jointly the holders of all the miners' rights; and when any person ceases to be a member he shall cease to be a joint holder.

(4) The benefit of all the miners' rights comprised therein shall inure to the beneficial holder, without it being necessary in the case of a company for any shareholder therein, or in the case of a mining partnership for any member thereof, to be individually the holder of a miner's right.

66. The provisions hereinafter contained relating to prospecting shall apply only to Crown lands and to such other lands as are open for prospecting under this Act.

67. Subject to the provisions of this Act, the holder of a miner's right shall, whilst it continues in force, be entitled by virtue thereof to enter and prospect for gold and any other metal or mineral on any Crown land.

68. The Governor in respect of Native land, and the Warden in respect of any land other than Native land, may, in his discretion, grant to any person a prospecting warrant or a prospecting licence under this Act, whether such land is inside or outside a mining district.

69. Subject to the provisions of this Act, the holder of a prospecting warrant or a prospecting licence shall, whilst it continues in force, be

entitled by virtue thereof to enter and prospect on the land to which it relates for gold and any other metal or mineral:

Provided that the right conferred by this section shall in the case of a prospecting warrant be a non-exclusive right, and in the case of a prospecting licence an exclusive right, to prospect on the land to which it relates.

70. (1) Prospecting licences may be of two classes—to wit, ordinary prospecting licences and tunnel prospecting licences.

(2) The former class shall apply to prospecting generally and the latter to prospecting on or near the line of any tunnel which the licensee is constructing or proposes to construct.

71. With respect to prospecting warrants, prospecting licences, and the applications therefor, the following provisions shall apply :—

(1) The application shall in each case be made in the prescribed manner, and shall relate only to such block or blocks of land as are specified therein.

(4) The application shall, in the prescribed manner, be notified to the owners or occupiers of the land to which it relates, and to all other persons whose interests may be obviously affected.

(5) In every case where the consent of the owners or occupiers of the land is required by law, the application shall not be granted until the Governor or, as the case may be, the Warden to whom the application is made is satisfied that such consent has been duly given.

(6) The area of the land to which a prospecting licence relates shall not exceed, in the case of a tunnel prospecting licence, one hundred and fifty yards, measured on each side of the middle line of the tunnel along the whole length thereof, and in the case of an ordinary prospecting licence one hundred acres:

Provided that in no case shall the land comprised in a tunnel prospecting licence include any river or river-bed.

(7) A prospecting warrant or ordinary prospecting licence shall continue in force for one year, and shall not be renewed; but if on the expiry thereof the holder so desires he may make a fresh application.

(8) A tunnel prospecting licence shall continue in force for two years, and may be renewed from year to year on such conditions as are prescribed.

(9) There shall be payable in respect of a prospecting warrant a fee of one pound, and in the case of a prospecting licence a fee computed at the rate of one shilling for every acre of land to which the licence relates, such fee being, however, in no case less than one pound.

75. Subject to the provisions of this Act, all Crown lands which are situate in a mining district and are open for mining may in the prescribed manner, and subject to the prescribed conditions, be taken up for mining purposes in claims of any of the following classes, that is to say :—Ordinary claims; Extended claims; Special claims.

76. The claims in each class shall be of such respective forms, dimensions, boundaries, and areas as are prescribed, having regard to the nature and quality of the ground and the nature and extent of the proposed mining operations, for which purpose each class may be subdivided into claims relating to—

Alluvial ground; Quartz reef or lodes; Stream-beds; Sea-beaches; such other subdivisions as are prescribed:

Provided that with respect to extended and special claims the following provisions shall apply:—

(1) The dimensions and area of an extended claim shall in every case be more than the maximum dimensions and area of an ordinary claim in the same subdivision, but not more than five times such maximum.

(2) The area of a special claim shall in every case be more than the maximum area of an extended claim in the same subdivision, but (except in the case of a special claim extending seawards) the area shall not exceed one hundred acres.

84. Subject to the provisions of this Act, every holder of a claim shall, whilst he continues to be the holder thereof, be entitled, according to his share and interest therein, to the exclusive occupation thereof for mining purposes, and also to all gold within the boundaries thereof, and also to such other privileges in respect thereof as are prescribed: Provided that in no case shall he as such holder—

(1) Be entitled to any metal or mineral other than gold therein, or to mine for or move the same; nor

(2) Have any riparian rights in respect of any watercourse on or adjoining such claim.

85. Every claim shall be deemed to be taken up and shall be held subject to the labour conditions following, that is to say:—

(1) That the holder thereof will *bonâ fide* and continuously work the same by carrying on mining operations for gold thereon with reasonable diligence and skill.

(2) That he will at all times employ in such operations such number of workmen as is prescribed by regulations in that behalf:

Provided that on application in that behalf the Warden in his discretion may from time to time reduce the prescribed number of workmen to such extent and for such period as he thinks fit, where he is satisfied that the prescribed number cannot be reasonably and advantageously employed.

Provided further that when such period exceeds six months the previous consent of the Minister shall be necessary.

86. The last preceding section hereof shall be construed subject to the following provisions:—

(1) In every case where two or more claims or other mining privileges contiguous to one another, or worked in conjunction with one another, are held by the same person, or by co-partners in mining, it shall be a sufficient compliance with the aforesaid labour conditions if the total number of workmen employed on any one or more of such claims or other mining privileges, taken collectively, is not less than the total number prescribed for all such claims taken separately.

(2) In the case of a dredging claim, the number of workmen required to be employed in any day shall not exceed the proportion of seven workmen for each dredge.

(3) For the purpose of compliance with the aforesaid labour conditions there shall be included all work done in the construction or erection of machinery, or in preparations indispensable to the actual

commencement of mining operations, whether such work is done on or in connection with the claim itself, or on or in connection with any special site or race or dam held by the claimholder for the purpose of facilitating mining operations on such claim.

(4) To the extent of one-half of the number of workmen which should otherwise be employed, the expenditure of capital shall be equivalent to the employment of workmen in the proportion of one man for every thousand pounds of capital which, to the satisfaction of the Warden, has been expended by the holder of the mining privilege in plant or permanent works for the purposes of such privilege.

87. With respect to every extended or special claim the following provisions shall apply :—

(1) The licensee of such claim shall, during the term of the licence, pay the rent next hereinafter mentioned.

(2) In respect of so much of the area as is other than Native ceded land, such rent shall for the first year of the term be at the rate of two shillings and sixpence, for the second year at the rate of five shillings, and for the third and every subsequent year at the rate of seven shillings and sixpence for every acre or fraction of an acre.

90. Subject to the provisions of this Act, and on application in that behalf, the Warden may grant mineral licences authorising the licensees to occupy any Crown land within or outside a mining district for the purpose of mining for any specified metal or mineral other than gold, and, with respect to every such licence, the following special provisions shall apply :—

(1) If any portion of the land applied for is comprised in any subsisting prospecting licence, and the applicant is other than the holder thereof, the application shall not be granted as to the portion aforesaid unless and until such holder has in the prescribed manner been afforded an opportunity of applying for and obtaining a mineral licence in respect of such portion.

(2) If he does so apply, his application shall have priority ; if he declines or neglects so to do, or fails to duly take up the mineral licence when granted, his prospecting licence shall be deemed to be cancelled as to the portion aforesaid.

(3) The area of the land comprised in the mineral licence shall not exceed three hundred and twenty acres.

(4) The licensee shall for every year of the term of the licence pay rent at the rate of two shillings and sixpence for every acre or fraction of an acre of the area comprised in the licence.

(5) The licensee shall also pay, in respect of all the specified metals and minerals raised pursuant to the licence, such royalty as is specified therein not being less than one hundredth nor more than one twenty-fifth of their value at the pit's mouth.

(6) The royalty shall be computed in such manner and paid at such times as are prescribed, and all sums paid in respect of royalty during any period shall, to the extent of the rent payable for the same period, be deemed to be in or towards satisfaction of such rent.

(7) All rent and royalties received in respect of the licence shall be deemed to be gold-fields revenue or land revenue according as the land

comprised therein is situated within or outside of a mining district, and in any case where the licence comprises both land within and land outside of a mining district the rent and royalties shall be apportioned between gold-fields revenue and land revenue in such manner as is prescribed.

(8) The licensee shall not be entitled to any gold, nor to any other metal or mineral than that specified in the licence, nor shall he mine for or remove the same.

(9) The licence shall be deemed to be granted subject to the condition that if and as often as it is found to the satisfaction of the Warden that any portion of the land comprised therein is auriferous, or contains any other metal or mineral than that specified therein, such portion may, in his discretion, be made available for mining purposes, either by cancelling the licence as to such portion, or otherwise, as the Warden thinks fit, or as Regulations prescribe:

Provided that with respect to the portion to be made available as aforesaid the provisions of section seventy-seven hereof, and the second schedule hereto, shall, *mutatis mutandis*, apply, subject nevertheless to the following modifications, that is to say:—

(*a*) The licensee shall be deemed to be the proprietor.

(*b*) The person on whose application the land is made available as aforesaid shall be deemed to be the applicant.

(*c*) Where the land is made available for mineral leases in respect of any specified mineral the right of priority conferred by the said schedule shall be deemed to relate to a mineral lease in respect of such mineral.

(*d*) Such other modifications as are prescribed for the purpose of giving full effect to this subsection.

(10) The licence shall contain due provisions—

For securing the payment of all rent and royalty;

For insuring the regular, proper, and efficient carrying on of mining operations, and for the inspection of the mine and workings;

For cancelling the licence on breach of any condition to be performed or observed by the licensee; and

For insuring compliance with any other conditions the Warden may deem it necessary to impose.

99. In every case where any such application relates to private land, or where any person's interests may be affected by the grant of the proposed licence, or the exercise by the proposed licensee of the rights to be conferred on him by such licence, the following special provisions shall apply:—

(1) Any owner or occupier of such private land, or any person whose interests are affected as aforesaid, may, in the prescribed manner and within the prescribed period, object to the grant of the licence.

(4) Every owner or occupier of such private land shall be entitled to full compensation from the licensee for all actual and prospective loss or damage suffered by reason of the grant of the licence, or the exercise by the licensee of the rights thereby conferred on him.

130. Any duly registered mining privilege, or any specified portion

thereof, which is protected under the provisions in that behalf hereinafter contained shall, during the period of protection, be deemed to be relieved from liability to abandonment or forfeiture for any cause arising during such period other than intentional abandonment, or in default of payment of royalty, rent, or licence fees, or in maintenance of marks.

131. On application in that behalf by the holder of any duly registered mining privilege, the Warden may by certificate grant protection of such mining privilege or specified portion thereof, and with respect to every such application and certificate the following provisions shall apply :—

(1) The application shall be in the prescribed form, and shall specify the mining privilege or portion thereof to which it relates, the period during which protection is required, and the reasons for which the application is made.

(5) If the period applied for exceeds six months, the Warden, after hearing the application and all objections thereto, shall forward the same, and his report and recommendations thereon, to the Minister, and the application shall not be granted by the Warden unless the Minister signifies in writing on the proposed certificate that he consents thereto.

(7) The period applied for or granted shall in no case exceed twelve months.

(10) In no case shall a certificate of protection be renewed.

139. Every mining privilege shall be deemed to be a chattel interest, and may be sold, encumbered, transmitted, seized under writ of execution or warrant, or otherwise disposed of, as fully as a chattel interest in land, subject nevertheless to the provisions of this Act.

140. No instrument of transfer of any mining privilege shall be deemed to pass the title to the transferee until such instrument is duly registered under this Act.

143. Two or more mining privileges may be comprised in the same instrument for the purpose of transferring or otherwise disposing of them all in the same way and between the same parties.

145. There shall be payable in respect of the registration of each instrument such fee as is prescribed.

151. Subject to the provisions hereinbefore contained relating to protection, and also to registration by transferee in good faith, a mining privilege shall be deemed to be abandoned by operation of law in any of the following events, that is to say :—

(2) If the land comprised therein has been entirely unused for its proper purpose, or unoccupied, or neglected, for any continuous period of one month in the case of a mining privilege on which machinery, buildings, erections, or works adapted for the efficient *bonâ-fide* working or use thereof do not exist or are not in *bonâ-fide* course of erection or construction, or three months in any other case.

(5) If, in the case of any mining privilege, default for twelve months is made in the due and punctual payment of any prescribed rent, royalty or licence fee.

182. If any person is employed for hire or reward to work in a

claim, or to prospect, the right to all metals and minerals found by him in the course of such employment, and also the right to take up or hold any claim or other mining privilege on the land on which he is so employed, shall, as between him and his employer, vest in the employer and not in the person so employed, and for the purposes of such employment it shall not be necessary for such person to himself hold a miner's right.

183. For the purpose of conducting the examination of applicants for certificates as mine managers or battery superintendents under this Act, and issuing such certificates, there is hereby constituted a Board of Examiners (hereinafter called "the Board") consisting of—

The Director of the Geological Survey of New Zealand;

The Surveyor-General;

The Inspecting Engineer of Mines; and

Four other persons to be appointed by the Governor, all of whom shall be holders of first-class mine managers' certificates.

185. (1) Every person employed or acting in the capacity of a mine manager of any mine shall be the holder of a mine manager's certificate of the first or second class under this Act.

(2) If such mine is worked from a shaft or inclined plane where winding or pumping machinery is used, such certificate shall be a first-class certificate.

(3) If such mine is worked from an adit level where no winding or pumping machinery is used, such certificate need only be a second-class certificate.

297. Subject to the prescribed regulations, any local authority may from time to time apply such portions of its funds as it may think fit in assisting the development of the mining industry in all or any of the following ways, that is to say:—

(1) In offering and paying rewards for the discovery of new mining fields in respect of gold or any other metals or minerals, or any precious stones;

(2) In prospecting for gold or any other metals or mineral or any precious stones;

(3) In or towards the erection, establishment, maintenance, and extension of schools of mines.

299. With respect to every reward for the discovery of a new mining field, whether payable in whole or in part by the Minister, or by any local authority, the following special provisions shall apply:—

(1) The reward shall in no case be payable unless the claim therefor is made within five years after the date of the discovery, nor until the genuineness of the discovery has been tested by actual working.

(2) The amount of the reward shall be computed on the basis of the number of miners *bonâ fide* engaged in mining operations on the new field at the expiration of twelve months after the date of the discovery thereof; and the total amount of the reward shall in no case exceed five hundred pounds.

316. Every Warden acting in the execution of his office or duty under this Act shall be entitled to the same protection as Justices of the Peace under any law for the time being in force to protect Justices

from vexatious actions for anything done by them in the execution of their office or duty; and Part IV. of the Justices of the Peace Act, 1882, shall, *mutatis mutandis*, apply to Wardens as fully as to Justices.

EXTRACT FROM "THE MINING ACT AMENDMENT ACT, 1904."

12. (1) With the consent in writing of the Minister, the Warden within a mining district, or the Commissioner of Crown lands outside a mining district, may grant to any person a warrant (hereinafter referred to as "a prospecting warrant") authorising the holder to prospect for any one specified mineral over any Crown lands specified in the warrant, not exceeding an area of ten thousand acres.

(2) Every application for a prospecting warrant shall be accompanied by a deposit of fifty pounds for the first one thousand acres applied for, with an addition of twenty-five pounds for every one thousand acres or part thereof applied for in excess of one thousand acres.

13. A prospecting warrant shall, unless previously cancelled under section fifteen hereof, continue in force for a period of five years from the date on which it was granted.

14. The holder of any such warrant shall, while it continues in force, have the exclusive right to prospect for the mineral specified in the warrant on the land to which the warrant refers, and may enter upon such land for that purpose.

15. Every prospecting warrant shall be held under such conditions as to employment of labour and development of the mine as may from time to time be prescribed by Regulations, and may at any time be cancelled for the non-observance on the part of the holder of any such conditions.

16. (1) At any time while a prospecting warrant is in force the holder shall, on complying with the provisions of this Act, have the right to a lease of such part of the land to which the warrant relates not exceeding one thousand acres, and in one continuous block, as he may select.

(2) Every application for a lease shall be accompanied by a deposit of one pound for every acre of land applied for, not exceeding in the whole a deposit of one thousand pounds.

(3) The lease shall be for a term not exceeding sixty-three years, and shall be subject to the payment of such rent and to the observance of such conditions as may from time to time be prescribed by Regulations.

17. The Governor may from time to time, by Order in Council gazetted, make Regulations—

(*a*) Prescribing the rent and royalty payable, and the labour and other conditions under which any prospecting warrant or lease shall be granted;

(*b*) Providing for the refund from time to time of sums (not exceeding in the whole the amount deposited, whether on application for the warrant or the lease) in proportion to the amount spent in complying with any such labour or other conditions; and

(*c*) Prescribing the terms and conditions on which licences or warrants may be issued under section eighteen hereof, and the amount that shall be expended each year in prospecting under any such licence or warrant.

18. (1) Subsection nine of section ninety of the principal Act shall not apply to a lease granted under this Act in so far that in the event of the land in respect of which such lease is granted, or any part thereof, being proved to be auriferous or to contain any mineral other than that specified in the lease, the lease shall not on that account be cancelled.

(2) The Warden may from time to time, if it appears to him that the working of the land comprised in such lease for the purpose specified in the lease is not hereby prejudiced, grant licences or warrants for prospecting for gold or other metal or mineral, or any other mining privilege, over any part of the land comprised in such lease:

Provided that, if at any time it appears to the Warden that the exercise of any such mining privilege is prejudicial to the working of the land by the lessee, the Warden may forthwith cancel such mining privilege, and the holder thereof shall have no right to compensation in respect of such cancellation either against the Crown or the lessee:

Provided further that the Warden may, if he thinks fit, grant to the holder of such mining privilege a fresh mining privilege over such part of the land comprised in the lease as will not be prejudicial to the working of the land by the lessee:

(3) Nothing in this section shall authorise the inclusion in any such lease of any area in respect of which any mining privilege has been heretofore granted, and is now in force.

19. Nothing in the principal Act or in this Act shall prevent the holder of a prospecting warrant or of a lease from applying for and obtaining any mining privilege for gold or any other metal or mineral over any part of the land specified in the warrant or lease, and such application shall have priority as if such holder were the discoverer within the meaning of the second schedule to the principal Act.

ADDRESSES AT WHICH FURTHER PARTICULARS REGARDING THE MINING LAWS OF THE VARIOUS PARTS OF THE BRITISH EMPIRE MAY BE OBTAINED.

The British Islands.—Copies of the Mines Regulation Acts and other documents can be bought of Messrs Eyre & Spottiswoode, East Harding Street, London, E.C.

British India.—Copies of the legislation of the Indian Government may be inspected at the library of the India Office, Whitehall, London, S.W., and when spare copies are on hand, these may be obtained on application to the Under-Secretary of State for India, at the same address.

Ceylon and Crown Colonies generally.—The legislative Acts of these may be inspected at the library of the Colonial Office, Whitehall, London, S.W. Copies cannot readily be obtained in England.

Burma.—As in the case of British India.

The Malay Peninsula.—As Crown Colonies generally.

British Borneo.—As Crown Colonies generally; also on application to the British North Borneo Company, 15 Leadenhall Street, London, E.C.

Egypt.—On application to the Under-Secretary of State, The Ministry of Finance, Cairo, Egypt.

The Sudan.—On application to the Legal Secretary to the Government of the Sudan, Khartum, Sudan.

Cyprus.—As Crown Colonies generally.

The Dominion of Canada.—Copies of Legislative Acts, with numerous other documents, may be inspected and much information obtained at the office of the High Commissioner for the Dominion, 19 Victoria Street, London, S.W.

British Guiana.—As Crown Colonies generally.

The Gold Coast Colony and Ashanti.—As Crown Colonies generally.

The Cape of Good Hope Colony.—At the office of the Agent-General, 100 Victoria Street, London, S.W.

Natal.—At the office of the Agent-General, 26 Victoria Street, London, S.W.

The Orange River Colony.—As Crown Colonies generally; see also *The Mineral Laws of the Orange River Colony*, by W. H. Somerset Bell, published by the African Book Company, Limited, Grahamstown, Cape Colony, South Africa.

The Transvaal.—As Crown Colonies generally; also at the office of the Transvaal Chamber of Mines, Salisbury House, London Wall, E.C.

Rhodesia.—As Crown Colonies generally; also at the offices of the British South Africa Company, London Wall Buildings, London, E.C.

The Commonwealth of Australia.—Copies of Legislative Acts and other information may be obtained at the offices of the Agents-General of the several federated Colonies:—

New South Wales—9 Victoria Street, London, S.W.
Victoria—142 Queen Victoria Street, London, E.C.
Queensland—1 Victoria Street, London, S.W.
South Australia—31 Bishopsgate Street Within, London, E.C.
Tasmania—5 Victoria Street, London, S.W.
Western Australia—15 Victoria Street, London, S.W.

New Zealand.—At the office of the Agent-General, 13 Victoria Street, London, S.W. For more technically legal information on all the above subjects, the reader is referred to a *Guide to the Mining Laws of the World*, by Mr Oswald Walmesley, barrister-at-law, published by Eyre & Spottiswoode, East Harding Street, London, E.C.

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